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ABSTRACT

Since at least 4.5 million arrests per year involve people who may have alcohol problems, it is obvious that close cooperation between the courts and the alcoholism treatment progression would be productive. Since judges cannot themselves be expected either to identify or treat people with drinking problems, they need help in the form of a referral system. By using court support personnel to provide pre-sentence reports or screening and categorization techniques, judges can refer defendents to appropriate treatment. Judges can also ensure that treatment agencies get the time to help the defendents. They need support, however, to start, operate and monitor such a system. This report addresses itself to both judges and the alcohol treatment agencies--groups that heretofore have had too little contact with each other. It presents some practical strategies for the implementation of alcohol referral systems. (Author/NG)

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Sentencing Alcohol-related Cases:

Options via Judicial Education

A study conducted for: National Center for Alcohol Education

and

National Institute on Alcohol Abuse and Alcoholism

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Opinions expressed in this report do not necessarily reflect the views of the National Institute on Alcohol Abuse and Alcoholism or the National Center for Alcohol Education.

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Much of the work is theirs. Most of the opinions and all of the errors are mine alone.

This information was collected originally at the request of the judges who attended the Seminar on Judicial Education sponsored by the National Center for Alcohol Education on June 28-30, 1974. They are very fine judges, and I hope this report does what they wanted it to do.

Honorable Leon Emerson
Honorable Albert B. Logan
Honorable Howard Chasanow
Honorable Henry Upchego
Honorable Marjorie Lee Luna
Honorable Lyle H. Truax
Honorable Philip Saeta
Honorable Eugene Mangum
Honorable Keith J. Leenhouts
Honorable Robert J. Callahan
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Honorable Philip Abraham

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1.0 INTRODUCTION

When at least 4.5 million arrests per year involve people who may have alcohol problems, and when about 2 million people per year pass through the courts without any response being made to their drinking habits, it is obvious that close cooperation between the courts and the alcoholism profession would be productive. How does one bring it about? That is the subject of this study.

The nation contains between 20,000 and 40,000 judges: a small, reachable group with considerable power. Judges see almost as many alcohol-abusers as they do "criminals." They see more people with drinking problems in a year then does any person in the treatment profession. They see at least 10% of the nation's problem drinkers every year, most of whom are not skid row drinkers. Judges have the power to get someone else to discover whether a defendant has a drinking problem, and to get an identified problem drinker to enter and stay in treatment. If they referred all problem drinkers, the present treatment system could not cope. If the treatment system worked, the judges' criminal caseloads would drop sharply. That is the ultimate objective of this study: a reorientation of judicial authority and energy beneficial to both the courts and the treatment profession.

Judges cannot themselves be asked either to identify or to treat people with drinking problems. They need help in the form of a referral system. That is, by using court support personnel to provide pre-sentence reports or (better) screening and categorization techniques, judges can refer defendants to appropriate treatment. Through various judicial powers, they can also ensure that treatment agencies get the time to help the defendants. In other words, they are the prime movers in a court-based referral system, but they need support to start, operate, and monitor that system (which is called throughout this report "alcohol referral").

Although the relationship between alcohol and the courts has been documented over and over again, no one has taken the initiative in helping concerned judges plan alcohol referral systems. The judiciary and the alcoholism profession are very uneasy with each other and know little about each other. Communication between the two groups fades out easily. This report is therefore addressed to people from both groups. It lays out factual information never before assembled in one place, and some practical strategies, so that planning alcohol referral systems may be undertaken with some common understanding by whoever wishes to start it and by any method he chooses.

The report talks briefly about the dimensions of the problem. Any of our 9 million arrests per year may involve alcohol or a problem drinker - the categories of such arrests are described. For the 2 million defendants per year who merit screening for alcohol problems, there are at least 20,000 and perhaps 40,000 judges in several very different court systems who could implement some form of alcohol referral programs. To

motivate and help these judges, there are a great variety of educational methods, and many agencies and institutions to fund, conduct, or sponsor educational efforts. The report describes them. The report also talks about the subject-matter of education, recommending that education about alcoholism as such should be subsidiary to education about how to solve the judges' procedural and legal problems. The report does not recommend trying to make judges either experts in alcoholism or social workers. Nor is it by any means restricted to public drunkenness or chronic inebriates or decriminalization. It scans the whole range of relationships between alcohol and crime and the courts.

For want of a better term, the report talks about judicial "education" in alcohol referral. "Education" here means not the conventional transfer of information, but methods of convincing judges that alcohol-related cases provide an excellent avenue for them to exercise legitimately their present pre-sentencing and sentencing authority in such a way as to mightily improve their court operations in all areas of administration, record-keeping, pre-sentence, probation, and evaluation. They can make their courts more efficient and their actions more effective by enabling the alcoholism treatment system to have access to defendants. "Education" therefore is a matter of system analysis, design, problem-solving, and job-planning.

The main obstacles to a national-level effort at judicial education in alcohol referral are fairly clear:

1. The power to bring about alcohol referrals rests with individual judges in individual courts and they mostly lack both the knowledge and the resources to set up their own systems or cooperate with existing programs appropriately.

2. Many previous attempts to "educate" judges about "alcoholism" have worked poorly because they were too oriented toward the sociological or medical, seeking extra work from the judges rather than helping them.

3. None of the major governmental agencies has made judicial planning for alcohol referral a top priority--or even an important issue--for the criminal justice system.

This report suggests ways of overcoming those obstacles. It does not set out a master plan for the one true way of assisting judicial planning for referral systems. On the contrary, it advocates as much use as possible of existing organizations and programs, by a variety of methods, and with the addition of new initiatives. The report's intention is to stimulate thought and interaction, so that the subject-matter will have a higher priority in all interested organizations, both governmental and professional. The facts are straightforward. The design of referral systems benefits both the courts and the alcoholism treatment profession. All we need is the right people to accept the responsibility for helping the judges do the job, and this report indicates who those people may be.

2.0 ALCOHOL AND THE COURTS

The objective of this section is to outline the major categories of court cases in terms of alcohol-involvement and to estimate the number of arrests and people involved, i.e., the size of the target-group for an alcohol referral system.

2.1 Alcohol and Illegal Behavior

All research studies underline the close association between alcohol and illegal behavior, whether in misdemeanors or in felonies, in homicides or victimless crimes, in domestic disputes or traffic offenses.[1] There are no accurate, nationwide statistics measuring the burden placed on the courts by alcohol abuse.

As the President's Commission reported in 1967: "There are no national and almost no State or local statistics at all in a number of important areas: the courts, probation, sentencing, and the jails" (Task Force Report: Crime and its Impact, p. 123). No one knows what is really happening in our court system. As far as alcohol referral is concerned, one would like to know the number of people entering the courts who have drinking problems. Since this number can only be approximated by arrest statistics and through certain selective studies, one can talk only in terms of proportions and round numbers. However, the numbers are so large that even an error of 100% would not affect decisions about the need for a response.

NIAAA calculates that alcohol-related cases cost the criminal justice system at least half a billion dollars every year (New Knowledge, p. 54). The FBI calculates that in 1973 there were 9 million non-traffic arrests; of these, 1.5 million were for public drunkenness, about another million for offenses usually related to alcohol (e.g., vagrancy, disorderly conduct), and another million for drinking driving. At least a quarter of all other offenses involved alcohol. Therefore it is conservative to estimate that half of all non-traffic arrests--say 4.5 million in 1973--involved people who merit screening to determine whether they have drinking problems. In any court on any day, what proportion of the defendants merits screening--two-thirds? a half? a

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1 This is not an assertion that alcohol causes crime, an idea which has yet to be proven and which is irrelevant to the identification and referral of problem drinkers. The President's Commission on Law Enforcement and Administration of Justice wrote in 1967: "Excessive drinking of alcoholic beverages is a significant fact in the commission of crimes. However, there are as yet no data that demonstrate that alcoholism is a significant factor in the commission of crimes." However, "the closest relationship between intoxication and criminal behavior (except for public intoxication) has been established for criminal categories involving assaultive behavior" (Task Force Report: Drunkenness, p. 14).

quarter?[2]

Arrest figures do not tell how many actual people flow through the courts each year, but this number can be approximated by looking at the flow through the correctional system: people in jail, on probation or parole, or in court-ordered treatment. The correctional system handles between 2.5 and 3 million people per year. On any given day, about 1.5 million people are within its control, a third in institutions, two-thirds on probation or parole. Of these convicted persons, how many are in trouble with alcohol: a million? 800,000? Extrapolation from various studied jurisdictions suggests that roughly two-thirds of the convicted population may have some kind of drinking problem: about 2 million people per year. As much as 70% of the prison population have alcohol problems. About 40% of the parole and probation population clearly have drinking problems: some 400,000 persons within the control of the correctional system but out in the community, each day of the year. And it is probable that these persons include very few of our skid row population.

Accept any of these figures, or cut them in half if you will, and it is still clear that the courts deal almost as often with alcohol problems as they do with illegal behavior. Judges encounter more problem drinkers per year than any treatment person in the country.

2.2 Public Drunkenness and the Courts

Public drunkenness regularly accounts for at the very least 20% of all non-traffic arrests each year, or between 1.5 and 2 million arrests. It is still the largest category of alcohol-related court cases. Of recent years, this kind of arrest has received a great deal of attention: governmental reports (President's Commission in 1967, the D.C. Crime Commission in 1967, and NIAAA's Alcohol and Health in 1968); professional

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2 Some arrest figures suggest a stunningly high involvement of alcohol with criminal or anti-social behavior. In December 1969, the patrolmen of the Los Angeles Police Department recorded the alcohol-involvement of every incident in which they participated. Of 11,893 incidents, 19.4% involved alcohol, but of the 1,526 arrests stemming from these incidents, 71.9% involved alcohol. Details of the arrests show the following picture:

Percentages of arrests that were alcohol involved:

Drunk and under the influence	93.7%
Disturbance	82.4%
Burglary and theft	49.7%
Traffic violation and accident	67.3%
Family and neighborhood dispute	92.3%
Assault with a deadly weapon	78.5%
Miscellaneous	64.7%
All arrests	71.9%

decisions (ABA/AMA Joint Statement of Principles Concerning Alcoholism, 1969); court decisions (Easter and Driver in 1966, Powell in 1968); and legislation (the Uniform Alcoholism and Intoxication Treatment Act, 1971, now implemented in at least 26 states). The trend toward decriminalization has become very strong, and the related trend toward treatment rather than incarceration almost as strong. Theoretically these trends should reduce the degree of the courts' involvement with the chronic public inebriate, and there has been a small but steady decrease in arrests during recent years. But public drunkenness is not really moving out of the courts.

Most arrests for public drunkenness deal with the chronic public inebriate, the skid row alcoholic who is estimated to account for some 5%-8% of our problem drinker population. A public drunkenness case does not occupy much court time, since about 90% of the cases are disposed of by guilty pleas at stated hours of the day. The thrust of the decriminalization effort is therefore to save the time of the police, the processing required of the courts, and the sensibilities of the court system. Public drunkenness arrests have engaged some judges in alcohol referral systems, but because of the kind of population arrested, these referral systems tend to have been (a) for detoxification; (b) into "Court Honor Classes" sponsored by the courts; (c) in the direction of rehabilitation by medical and social work agents. On the one hand, chronic inebriate cases have given concerned judges the greatest opportunity to engage in alcohol referral; on the other, they have given judges a narrow picture as to the nature of problem drinking and a pessimistic view about alcohol treatment.

Courts will continue to be involved in chronic inebriate cases despite the trend toward decriminalization. Even in states where public drunkenness has been decriminalized, chronic inebriates appear under other charges (e.g., public disorder, vagrancy, disorderly conduct), and most states have failed so far to decriminalize the offense completely. As long as the police are involved with the chronic inebriate, some form of court supervision will exist. (In Kansas, for instance, new and time-consuming court procedures protecting individual rights have come into existence as a result of the Uniform Act.) There is also some evidence that in the states where the Uniform Act is in force there has been a rise in the alcohol-related caseload of probate courts and other courts dealing with civil commitment, presided over by judges inexperienced with any referral system except hospitalization. In sum, judges will remain the final arbiters of the system dealing with chronic inebriates, even after decriminalization. And it is worthwhile noting that in 1967 the President's Commission stated: "A minimum criminal expenditure of $100 million for the handling of chronic drunkenness offenders is a conservative national estimate." (Task Force Report: Drunkenness, p. 9).

There is a danger that the proponents of decriminalization may incorrectly think that the courts have ceased to deal with public drunks, and a second danger that if the chronic inebriate does leave the courts, it will be a case of out of sight, out of mind. With the arrest rate still running at 1.5 million in 1973, and with many court-originated alcohol referral programs still in existence, it would be

better to improve than to ignore existing systems for referring chronic inebriates. The intent of the Uniform Act was not just to decriminalize public drunkenness but also to establish an alcoholism treatment framework. It is possible to continue to encourage and develop court-sponsored programs for chronic inebriates even without criminal sanctions--a pattern which the Vera Institute Bowery Project (dealing with voluntary referrals) has proven feasible.

At the same time, judges need to be aware that the chronic inebriate represents a small and special subset of the problem drinking population, and that the referral systems suitable for this subset are not suitable for other problem drinkers. Because the judges' knowledge of alcoholism tends to stem from their experience with this group, their attitudes toward other kinds of drinker and other systems of referral and treatment could be affected adversely, in fact distorted to the point that they do not recognize a problem drinker unless he is a skid row type. This problem indicates a need to broaden rather than abandon the court-sponsored referral programs.

2.3 Drinking Driving and the Courts

The second largest category of alcohol-related arrests consists of drinking driving offenses. There has been a dramatic increase in DWI arrests recently; running at about 1 million in 1973, they were up 200% since 1960, 100% since 1968. They will probably soon surpass the number of public drunkenness arrests.

There has been a surge of activity in this area since 1968, stimulated by Congress through the U.S. Department of Transportation: the 1966 Highway Safety Act and later amendments, the 1968 Alcohol and Highway Safety Report of the Department of Transportation, and since 1971 the funding through the National Highway Traffic Safety Administration of demonstration Alcohol Safety Action Projects located in 35 states, now spreading through all states and many more communities through funds administered by the Governors' Representatives for Highway Safety. Also, state and local efforts have increased independently, as the police respond voluntarily either to public demands or to improved mechanisms and equipment available through LEAA grants.

Although drinking driving is a victimless crime like public drunkenness, it represents an extreme risk to public safety: some 27,000 highway deaths each year are classed as "alcohol-related" (though not necessarily alcohol-caused), and impairment by alcohol is the largest single human factor related to highway accidents of all kinds. Therefore, judges tend to regard it more seriously than they do public drunkenness. Though still a misdemeanor, it is the most serious misdemeanor many courts handle, and the most serious traffic offense classified as a misdemeanor. In sum, the latent anxiety about this kind of offense makes it a probable area for motivating judges to undertake alcohol referral.

However, judges' attitudes toward drinking driving are as complex and confused as those of society in general. For instance, almost all

statutes place strong and mandatory sanctions against drinking drivers, but the criminal justice system does a great deal to avoid imposing those harsh sanctions. Police, prosecutors, and judges almost universally demand discretionary procedures (often amounting to subterfuges) to avoid imposing strong sanctions routinely. Police may charge an offender with reckless driving rather than DWI, prosecutors regularly plea-bargain to a lesser offense, and judges (driven on by appeals and juries) avoid convictions or apply minimal sanctions. This behavior stems from a variety of causes: traditional sanctions (jail, large fines, license suspensions) seem not to prevent recidivism; the right to drive is seen as too serious a loss, even when the individual is a public danger; there is a strong reluctance to jail "respectable" citizens; judges' own drinking practices influence their attitudes; community reactions are very strong and troublesome; and the probability of recidivism among drinking drivers is greatly underestimated.

The Alcohol Safety Action Projects have found that these conflicting attitudes make judges very open to alcohol referral programs for drinking drivers. Most judges will use a referral to education and treatment in addition to or instead of punitive statutory sanctions, thereby responding (they feel) both firmly and constructively to the drinking-driving behavior. As a result, DWI cases represent an excellent area for educating judges in alcohol referral, as is evidenced by the almost spontaneous mushrooming of DWI schools throughout the country during the last decade, originated by local judges, and strongly supported even though their effectiveness for all drinking drivers is questionable. The "harsh" statutes allow the courts to use referral to rehabilitation, because they permit the use of extended terms and periods of probation and the exploitation of treatment resources under court direction.

The nature of the drinking-driving population is interesting. Few are chronic public inebriates--they do not come from skid row. Many, however, are repeat offenders. DWI arrests differentiate less than other alcohol-related arrests between higher and lower economic classes. Using standardized screening procedures, the ASAPs are identifying anywhere between 30% and 80% of their drinking drivers as problem drinkers or potential problem drinkers. A large proportion come from middle and high income levels; in other words, they tend to be functioning members of society, whose alcohol problem is likely to come to public attention only (or first) through their drinking-driving behavior. Suffering from fewer mental and physical disabilities than the skid row population, they are more accessible to education and psychotherapy, at least theoretically. Finally, they are under the constant pressure of society's disapproval as expressed by its dislike for drinking driving and the government's constant emphasis on highway safety. They are not likely ever to be ignored, since decriminalization of DWI is unlikely. And DWI is the main way for society to make them face their abuse of alcohol.

Of all alcohol-related offenses, therefore, DWI seems the single most fruitful area for cooperation between the criminal justice system and the alcohol treatment system, offering the former a constructive solution to recidivism, and the latter a large, continuing, and accessible group of patients.

There is a danger that the initiative taken by the Department of Transportation in this area will accidentally prevent the agents of criminal justice and alcohol treatment from seeing the opportunity represented by drinking driver programs. A "let George do it" attitude tends to be common at both federal and local levels, but George might rightly feel that the highway safety problem is more a symptom of underlying problems better solved by the criminal justice system and the treatment system.

At present, however, the Alcohol Safety Action Projects have designed the most complete court-based alcohol referral programs in the country. Based either directly on court power (through conviction and probation) or through the threat of court power (through deferred prosecution, plea-bargaining or suspended sentence), the ASAP referral systems all use concepts of screening, diagnosis, referral, supervision, education, and treatment. Though no two ASAP systems are exactly alike, all try to respond in some way to the individual drinking problems of the offenders in a differentiated manner. And though judges are often irritated by ASAP's ignorance of legal procedures and protocol, they tend to support the programs well and to learn a great deal from them about the issues involved in alcohol referral.

Discussion of drinking driving requires a footnote about other traffic offenses. The number of persons actually driving while impaired by alcohol, but charged with or convicted of other, substituted charges (especially reckless driving) is unknown but very large. Further, nationwide averages show that there are only two DWI arrests per policeman per year and that 2,000 incidents of drinking driving occur for every incident reported. The suspicion is, therefore, that traffic courts (including those handling offenses by administrative adjudication or by mail) and Justice of the Peace courts may be handling large numbers of persons who merit screening for alcohol problems, and that licensing agencies may also be encountering a similar group unknowingly.

2.4 Violent Crimes and Alcohol

In 1973 there were 380,000 arrests for the four FBI Index crimes of violence: homicide, forcible rape, robbery, aggravated assault. There were another 380,000 arrests for "other assaults." Though there has been no all-out effort to identify the degree to which alcohol is associated with these offenses, many smaller studies measure the relationship.[3] At least half of all homicides involve alcohol, and at least half (probably more) of all aggravated assaults. Alcohol-involvement in forcible rape and robbery is almost as high. In 1969, the National Commission on the Causes and Prevention of Violence concluded very conservatively that at least 24% of the Index violent crimes are alcohol-

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3 See George G. Pavloff, Ph.D., "Alcoholism and the Criminal Justice Population," Proceedings of the Seminar on Alcoholism Detection, Treatment and Rehabilitation within the Criminal Justice System (1973), pp. 1-5.

related (meaning, in 1973, about 215,000 crimes). In particular there is a high involvement between alcohol and domestic disputes, which are the origin of many violent crimes against the person resulting in a bewildering variety of charges against defendants.

There has been a noteworthy failure to respond to the alcohol-relatedness of these crimes by diagnosis or referral. The criminal justice system classifies them generally as felonies, and deals only with their criminality, not their environment. No federal agency has yet devoted large-scale resources to the subject, though the beginning of a new interest was perhaps symbolized by a Seminar on Alcoholism Detection, Treatment, and Rehabilitation within the Criminal Justice System, sponsored jointly by the National Institute on Alcohol Abuse and Alcoholism, the Law Enforcement Assistance Administration, and the Federal Bureau of Prisons, conducted in October, 1973. There seems to be more interest and activity in this subject area at the community level, and although much is part-time or volunteer, some local programs are receiving funds from LEAA through the state grant program.

Whereas judges may make an alcohol referral in lieu of a criminal sanction in cases of public drunkenness or even DWI, referrals for felony cases would have to be in addition to a criminal sanction. The manner of making alcohol referrals would therefore be substantially different from that in misdemeanors. Misdemeanors go mainly to courts of limited jurisdiction ("lower" courts), but felonies enter courts of general jurisdiction, though they may go to lower courts for arraignment or preliminary hearing. The periods before trial and disposition tend to be longer in felony cases. More legal personnel are involved (e.g., prosecutors and defense attorneys), and greater care is taken both in negotiating a plea and in devising a disposition. Pre-sentence and even pre-trial investigations are more frequent, and the convicted population (if not incarcerated) is more often under supervision either by parole or by probation officers. There is, in sum, more occasion and time for an alcohol referral program to operate, but it would have a more complicated relationship with the criminal justice system.

In connection with felonies, it is worth noting that the National Advisory Commission on Criminal Justice Standards and Goals gave its authority to the statement that "80 percent of the major crimes of violence committed in the United States are committed by youths who have been convicted of a previous offense in a misdemeanor court" (Courts, p. 161). The implications of this statistic, if true, demand careful study by those designing alcohol referral programs aimed at prevention rather than cure.

A second statistic concerning the felony courts is also important, because it suggests that alcohol referral should not wait until a person has been convicted. The FBI Crime Report states that in 1973:

> "89% of the adults arrested for Crime Index offenses were prosecuted in the courts. Of the adults prosecuted for Crime Index offenses, 58% were found guilty as charged and 11 percent of a lesser charge." (p. 34).

Finally, it should be emphasized that the courts of general jurisdiction do not handle all persons charged with crimes of violence; in 1973, according to FBI Report, 42% of the persons processed for Crime Index offenses were referred to juvenile court jurisdiction.

2.5 Juvenile Crimes and Alcohol

The statistics given in the preceding paragraph have important effects on the juvenile courts. Because of the recent increase in the number of these courts, "juvenile crime" has developed into a category of its own: a criminal activity defined not by the nature of the crime but by the age of the defendant and the procedure by which the courts handle his case. "Juvenile" usually means 17 or younger, though states vary (in New York and North Carolina, 15 or younger; in California, 20 or younger). The offenses with which juveniles are charged range from acts for which no adult can be charged (e.g., "incorrigibility") to felonious acts of the most extreme nature (e.g., homicide). Juvenile cases may be handled by special juvenile courts, by general jurisdiction courts or divisions thereof, or by special divisions of limited jurisdiction courts.

The degree to which young people are involved in crime is very high. The FBI reports, for instance, that in 1973 31% of all solved Crime Index offenses involved persons under 18 years old, while persons aged 10 to 17 account for only 16% of the country's population. Persons under 18 accounted for 26% of the total police arrests. About one half of the juveniles arrested are handled by the police without preferring a formal charge or by referring them directly to juvenile authorities. There is a steadily increasing involvement of juveniles in violent crime.

The relationship between juvenile crime and alcohol is unknown, but it is thought to be high and increasing. Current studies indicate that alcohol is now the drug of choice among juveniles, that the amount of alcohol consumed by juveniles is increasing, and that it is over-involved with anti-social juvenile behavior. The lowering of the legal drinking age to 18 tends to increase drinking in still younger people, and the highway safety statistics are showing firmly that juvenile defendants get into trouble both with and because of alcohol.

Yet the belief is still widespread that alcohol problems belong only to adults, and systematic alcohol referrals for young defendants are very rare. The juvenile courts, of course, are presently overburdened to the point of collapse, and it may seem impossible to ask them to respond to a potential alcohol problem. On the other hand, the theory of the juvenile court structure offers great potential for an alcohol referral program. The concept of individual response is embedded in that theory. Juvenile court judges are used to the idea of pre-sentence reports, background investigations into family, criminal, and individual histories, support from non-judicial agencies, and referral into outside programs. If the juveniles appearing before the courts do have problems related to alcohol, and if treatment programs can work out an adequate response, there is reason to believe that the courts might accept the idea of alcohol referral very readily.

2.6 General Comments

Unless all defendants charged with all offenses receive screening for alcohol problems--an unlikely event--alcohol referral programs will have to tailor themselves to the crime. Some offenses are directly alcohol-related; they are all misdemeanors, and they involve the greater proportion of cases through the courts. They are the easiest target for a program designed to screen persons for the level of their alcohol problem and to refer them to the appropriate education or rehabilitation agency. Other offenses may involve alcohol but are not recognized by the law as primarily alcohol-related; an assault, for instance, is an assault whether or not the defendant was intoxicated. Most but not all of these offenses are felonies, and the alcohol referral programs will have to cooperate with the existing court-support programs rather than operate independently. Juvenile crime may represent a third category, demanding still another response.

Judges are likely to respond most favorably concerning cases directly related to alcohol, especially public drunkenness and drinking driving, which frustrate them enormously because they create a large proportion of the revolving-door caseload. Recidivism is typical, and as most judges know, the normal punitive sanctions either are not applied to problem drinkers or do not work against them. Judges are likely to welcome a referral program which will respond to the cause of anti-social behavior rather than just to its criminality. The courts are less likely to respond to the alcohol-relatedness of other offenses, especially the more serious crimes. Most judges do not feel that it is a judicial responsibility to initiate an alcohol referral. However, such offenses normally enter courts of general jurisdiction, which tend to have more judicial authority and more support services, thus providing an opportunity for alcohol screening within the existing structure.

Certain myths, coupled with bad past experiences, make it hard for judges to establish alcohol referral programs. The revolving-door phenomenon characteristic of the chronic inebriate has definitely poisoned judicial attitudes about problem drinkers. Many judges do not recognize a juvenile, for instance, or a respectable functioning alcoholic as suited for alcohol screening. Because they see the worst cases of alcoholism most often, and because traditional court actions have failed to cure these cases, judges also tend to think that no treatment response will succeed, or else they tend to refer to treatment only the worst cases. These distortions have weakened many alcohol treatment programs, or confined them to dealing with skid row alcoholics. The conclusion is that an alcohol referral program will have to choose its desired treatment-group carefully and define that group clearly to the judges, by some form of education.

Finally, education should be designed to show that alcohol referral solves court problems and is not just do-goodism. There is a tendency to think that a referral to treatment made by a judge is a favor from the judge to the treatment program. The opposite is also true; alcohol referral programs, if they can reduce criminal behavior, could reduce caseload by preventing the repetition of criminal behavior. The myth that

treatment is a soft-line approach compared with traditional sanctions also needs to be attacked. For problem drinkers, a referral to treatment has the far greater impact in terms of both changed life-style and simple inconvenience.

3.0 STRUCTURE OF THE COURT SYSTEM

The objective of this section is to estimate the size and nature of the target-group for judicial education in alcohol referral, by outlining the kinds of court existing throughout the nation, the kinds of offense over which they have jurisdiction, and the number of judges in those courts.

No two states organize their courts in exactly the same way. The name of a court (e.g. "District Court","Traffic Court") means different things in different jurisdictions. Court organization can properly be understood only within a state or even within a community. To simplify for this study, the courts are divided into five categories: appellate jurisdiction, general jurisdiction, limited jurisdiction, juvenile jurisdiction, and Justice of the Peace or magistrate courts. Federal courts have been excluded altogether.

We do not know exactly how many judges there are. The best survey reports that as of July 1, 1971, the 50 states and the District of Columbia contained a total of 17,057 courts with a total of 23,073 judgeship positions.[4] There are also unknown numbers of JPs and magistrates, with estimates varying from a minimum of 7,000 to a maximum of 20,000. The ultimate target-group for education in alcohol referral may reasonably be estimated to consist of 40,000 judges. The number of new judges each year is unknown. The turnover within any one court tends to be high, but being a judge is normally a profession rather than a temporary job. Most judges come from the legal profession, and many return to the practice of law. Judges in some states move between different kinds of court within the same jurisdiction. Movement from one geographical area to another is rare but increasing. "Promotion" normally means movement to a court higher in status and salary, with a different kind of jurisdiction. Of the recorded total 23,073 judgeships, 3% (727) belonged to appellate courts; 21% (4,929) belonged to courts of general jurisdiction; and 75% (17,417) belonged to courts of limited jurisdiction. The great differences between the numbers of judges associated with each type of court reveal one important reason for the different status which each level of court holds within the judicial profession, and both numbers and status are crucial influences on judicial education.

3.1 Appellate Courts

Many courts hear both trials and appeals, but appellate courts are those which hear only appeals. All states have "courts of last resort" for appeals from trial courts, and many states also have intermediate appeals courts. Since they are not trial courts, appellate courts have

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4 The statistics in this section come mostly from the U.S. Department of Justice, National Survey of Court Organization (1973) carried out by the Bureau of the Census for LEAA. Not included in that Survey were judges of special and limited jurisdiction from municipalities with a population under 1,000, and JPs or magistrates operating on a direct fee basis. The Survey did not include the Commonwealth of Puerto Rico. These omissions are unfortunate.

no potential for identifying and referring problem drinkers. However, they should not be neglected because their influence on trial courts is strong and basic. Through case law they determine both the procedures and the sentences normally used in the trial courts. Particularly, any innovative program will sooner or later reach them through the appeals process. Unless they understand the problems and system ramifications of alcohol abuse, they can jeopardize programs and procedures implemented at the trial court level. Since the number of appellate judges (727) is small, they are better known and more open to contact through professional organizations than other judges.

3.2 Courts of General Jurisdiction

Loosely referred to as "state-level" courts, these are the most important and prestigious felony and trial courts in each state. They hear both civil and criminal cases, and although the larger proportion of judge-time goes to civil cases, they have the crucial function of hearing criminal appeals from the lower courts. Many general jurisdiction courts hear misdemeanors, including notably drinking-driving cases. Almost all hear felonies. Although appeals from the lower courts represent at most 10% of the general jurisdiction court's workload, the pattern followed in these cases will normally determine absolutely the pattern followed by the lower courts at the time of original trial, and often the two levels of court differ sharply in attitudes toward various kinds of cases. The courts of general jurisdiction do not usually treat misdemeanors as seriously as do the courts of limited jurisdiction.

There are thus four areas in which alcohol referral is relevant to these judges: original jurisdiction in misdemeanors; felonies; civil cases (including commitments); appeals from the lower courts. Although they do not hear as many alcohol-related criminal cases as the lower courts, they are the most influential of all courts in the day by day application of the law. The 4,929 judgeships within the courts of general jurisdiction constitute 21% of the country's judges. They are comparatively easy to identify through professional organizations and state agencies.

3.3 Courts of Limited Jurisdiction

With 75% of the total judgeships, these courts hear 90% of the total cases. They concentrate on misdemeanors; the term "limited jurisdiction" stems from their restriction to cases whose potential sentence has been limited by statute to (typically) a maximum fine of $1,000 and a maximum jail sentence of 1 year. However, one cannot generalize about the "unimportance" of the cases they hear: many limited jurisdiction courts handle juvenile cases; most hear civil cases; many hold the arraignments or preliminary hearing for felonies; and in some cases, one state's felony is another state's misdemeanor. As the LEAA Survey points out, they hear a bewildering variety of cases: "These courts are generally the courts with which the average citizen has contact--traffic courts, municipal courts, county courts, justice courts, small claims courts, magistrates courts, probate courts and juvenile courts" (p.4). As far as most citizens are concerned, these are the courts of both original and final jurisdiction.

With literally millions of cases coming before them every year, these 17,417 judges bear the brunt of the nation's experience with the court system.

The recent commentary on the lower courts by the National Commission on Criminal Justice Standards and Goals is worth quoting:

> "Historically, the lower courts have been treated as the stepchild of the judicial system. Though they are labeled courts and are presided over by personnel called judges, many of the qualifications for office and procedural requirements of courts of general jurisdiction are not demanded of these judges and courts. This is defended on the basis of the volume of cases the lower courts handle, the necessity of summarily handling these cases, and the traditional belief that the disposition of misdemeanors is not an important or demanding judicial function" (Courts, p. 161).

In the past, these judges have always been the last to receive support from outsiders, whether in the form of funds or services or education. The result has been that they are now the center of the crisis in our judicial system. Except for courts in large urban areas, it is difficult to contact all limited jurisdiction judges from the state level, impossible from the federal level.

3.4 Justices of the Peace and Magistrates

Estimates of the number of JPs and magistrates in the country range from 7,000 to 20,000. Originally the most widespread judicial system in the United States, the JP courts have long been under attack from the legal profession and exist now in no more than 22 states. In 30 states, judges need not be lawyers at certain lower-court levels. These tend to be either JPs or magistrates.[5] The JP and magistrates' courts are isolated from the rest of the judiciary; except where they are under a higher judge's supervision, each man acts alone. Such courts very rarely have prosecutors or juries. The judges are normally not attorneys, and they are usually not responsible to any other agency. In some states they receive fees on a case-by-case basis. Their jurisdiction is usually limited to offenses with reasonably small penalties, but it often overlaps those of the limited courts. Magistrates' courts now tend to concentrate in small cities and towns, where they serve as arraignment courts, probable cause courts, bail courts, civil courts, traffic courts, and police courts; Justices of the Peace tend to function now only in rural or small communities, and sometimes in new suburban areas.

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5 For further information see The Institute of Judicial Administration, The Justice of the Peace Today (1965; supp. 1973)

Neither the judiciary nor the legal profession has much respect for these courts. The almost universal desire is either to abolish them or to replace the present judges with attorneys. However, these one-man courts are likely to remain for the foreseeable future, especially in rural areas and in jurisdictions with less than 1,000 population. Such communities like the personalized justice given by the elected JPs, and a few states prefer to localize judicial power through the JP system. Small-court judges can thus exercise great power in their communities, handling the trouble-makers in a very individual manner. Where they know the members of their own community well, they can respond with considerable skill in community relations, though their handling of cases involving outsiders, and their protection of the legal rights of individuals, in some instances, leave much to be desired.

No one knows what proportion of the small-court caseload is alcohol-related. Many JPs handle drinking driving cases, and in some states this is their main task. Most JPs handle public drunkenness, domestic disputes, lesser assaults, and cases involving juveniles. Their powers are highly discretionary, and where statutes permit, they can be very broad, especially in the area of informal probation. Certainly few small-court judges make use of alcohol referral programs, lacking both the knowledge and the resources. Because of their isolation, the small-court judges are best approached from the community level, and for education in alcohol referral it is best to induct them into state-level attempts at education. They should not, however, be ignored. Their powers of prevention and intervention over large geographical areas are unequaled, and though their referral programs would be quite different from those of urban courts, they do have both the power and the resources to create such programs.

3.5 Juvenile Courts

Few generalizations can be made about juvenile courts, since the juvenile justice system has grown up rapidly and haphazardly during the last forty years and is now in a state of some confusion, especially since Gault. The philosophy behind the juvenile court is a departure (theoretically) from the crime-and-punishment model of adult justice; only half a criminal, the juvenile should be half-punished, half-rehabilitated. The usual rules of criminal procedure (and protections of constitutional rights) often are not applied. Though the distinction from criminal courts may seem slight to an outsider, and though recently many more elements of criminal procedure have been introduced to protect the defendant's rights, the intention of the juvenile courts is to allow a more individualized and less punitive approach to the defendant's illegal or anti-social behavior. In concept, a juvenile court judge may avoid a technical finding of criminal guilt; he ought normally to have a background report on the defendant; he is able to make a coerced referral to a rehabilitative agency. In sum, the main elements of an alcohol referral program already exist in the structure of the juvenile justice court concept.

Herein lies a warning for referral programs, because the theory of juvenile courts is a long way from their unhappy reality. Many judges regard juvenile courts as one of the most frustrating and depressing of

assignments. Too often, the support services, the background investigations, the individualized hearing, and the rehabilitation agencies exist only in shabby or inadequate form. Money and skill do not back up theory. Nonetheless, the juvenile courts offer a good prospect for alcohol referral. Their structure includes the concept of diagnosis and rehabilitation. Most judges are glad to find court-support personnel willing to assist in handling the problem. And an increasing proportion of juvenile cases (which may involve any sort of crime) involve alcohol. Because the juvenile population represents a special subset of the drinking population, an alcohol referral program for them would be different in substance from other referral programs. Its basic structure and intent would probably remain the same.

A major need would be to identify the courts through which juvenile cases are proceeding. According to the LEAA Survey, there are many different venues. Juvenile cases may be heard by courts of general jurisdiction, usually judges rotating through a juvenile division (15 states). They may be heard by statewide juvenile courts (8 states), or by a special court of limited jurisdiction (16 states), or by any mixture of the above (16 states). A fifth of all courts (or about 3,400) heard juvenile cases in 1971, and almost half were courts of general jurisdiction. Of all major trial courts, 45% reported hearing juvenile cases, while only 13% of the limited courts did so. JP and magistrate courts also hear juvenile cases. Juvenile cases, then, are mainly but by no means only the concern of general jurisdiction judges. Most juvenile offenses, on the other hand, are misdemeanors. Most courts spend less than a tenth of total judge-time on juvenile cases, and many judges rotate through juvenile courts rather than specializing in them.

3.6 General Comments

1. Very few states have formally "unified" court systems, wherein judicial policy and staffing have a central control. In most states, the court of last resort may have influence and some direct administrative control. At the community level, the agency which funds the court (e.g., City Council) has influence. Most judges are very susceptible to informal influences from the defense bar. Otherwise the judiciary is highly independent operationally. As far as policy on the bench is concerned, judges are even more independent, ignoring statutes and even the law on a selective basis. The significance of this autonomy is that no one can make a judge set up or use an alcohol referral system, and no one can force judges to attend or benefit from an educational program.

2. Most courts have only one judge: 60% of general jurisdiction courts and 80% of limited jurisdiction courts. The multi-judge court is common only in courts of general jurisdiction and/or large urban areas. Further, judges in neighboring courts, judges in neighboring areas, and even judges in the same court do not usually determine each other's procedures and criteria. Though cluster effects are common, especially concerning the amount of fine, it is very difficult to implement a detailed judicial policy among all judges. Finally, it is very rare for one judge to attempt to influence another judge's decision-patterns. Even jurisdictions with many judges do not often have regular meetings. Judges

are rarely evaluated either by their peers or by superior judges, and where evaluation occurs, it deals with a judge's illegal behavior, not whether or not he is constructive and innovative. Judges may be either appointed or elected, but in either case decisions to sever a sitting judge from his post are unusual (though becoming more frequent). The significance of all this information is that any alcohol referral program depends on the individual choices of individual judges, and that any educational program must ultimately work on every individual judge. There are no short-cuts.

3. Whereas almost all general jurisdiction courts have full-time judges, three-quarters of limited jurisdiction courts have part-time judges or judges who preside over more than one court. The majority of part-time judges are practising attorneys. Further, many courts routinely use pro tem judges drafted from among attorneys, particularly to handle routine sentencing. In general, the attitudes of part-time, defense-oriented judges are very different from those of full-time judges. Both referral programs and educational programs must adjust to those differences, especially the desire of part-time judges to spend as little time as possible on court matters.

4. All courts suffer from a lack of support personnel: clerks, pre-sentence investigators, probation officers. This lack is much greater than outsiders realize and the result is to prevent the courts from functioning either efficiently or effectively. The lack is pervasive in limited jurisdiction courts, and the courts of general jurisdiction are also surprisingly unsupported. The public image of a fully-equipped court exists in reality only in some major urban areas and in a few more progressive states. The norm is a one-man court. This fact has three significant implications. First, referral programs may have to be elementary if they are to be feasible for a majority of the nation's courts, involving only a direct relationship between judge and treatment agency, hopefully with the mediation of volunteer and community organizations (e.g., Alcoholics Anonymous, National Council on Alcoholism, Volunteers in Probation, Inc.) Second, a majority of judges are not used to the concept of receiving assistance for screening and referral--though nationwide educational programs have made the concept popular in theory. Third, judges tend to welcome the idea of court-support personnel once they have tested their quality and discovered whether or not they will be surrendering too much authority. Since all alcohol referral programs involve court-support personnel (at least a clerk), educational programs must take into account the above factors.

5. Few courts keep good statistics. Roughly three-quarters keep case-records (filed, terminated, pending.) Slightly more than half have regular records of dispositions. Statistics can usually be compiled by outsiders manually, and computerized record-keeping is steadily infiltrating many courts, strongly assisted by the development of court administration as a profession and by LEAA funds. Many courts, however, do not keep the kinds of records necessary for an alcohol referral program and they will not be able to adopt a meaningful program unless supplied with the necessary record-keeping and statistical capability. Any judicial education in alcohol referral, therefore, must either address itself strongly to the

paper-flow in the courts or resign itself to unsupervised and random referrals.

6. Large urban courts and small rural courts are extremely different in structure, intention, procedures, and resources. The urban courts have heavier caseloads, but they also have more resources (judges, prosecutors, probation officers, public defenders, record systems, referral agencies.) Rural courts probably lack all these resources. There is more similarity between large urban courts in different states than there is between an urban court and a rural court within the same state. It is no exaggeration to say that two different court systems exist within the country: one consisting of courts with many resources, the other of courts with few resources. Referral and education programs need to address themselves to this large difference, both during the design stage and when deciding on priorities for action.

7. The courts are currently receiving more support (and more criticism) than at any time in their existence. Judges are responding by accepting more innovation than ever before: probation has become completely respectable, and plea-bargaining and sentence-bargaining are not far behind, while efforts to rehabilitate rather than punish are not so often contemptuously dismissed. While the determination of guilt or innocence (adjudication) remains a judicial prerogative, the choice of disposition(sentencing) is increasingly becoming a joint decision. All these developments are leading toward a system of justice which is often disparagingly called "assembly-line" justice but which in fact encourages systematic and cooperative handling of court cases, moving them smoothly to the person appropriate to each issue in the case rather than placing the whole job on the shoulders of the judge. The assembly-line has developed because of the need to handle ever increasing numbers of cases. And it is especially appropriate to alcohol referral programs. However, any education program must be aware that a systems approach makes a judge uneasy because he has the professional obligation to remain independent. The principle of judicial discretion remains paramount even though, for instance, studies show that judges accept the recommendations of probation officers 90% of the time. Judicial educators have to deal with a professional independence that often seems like arrogance or capriciousness; no one tells a judge what to do. The fact, however, is that the judges will welcome any program which can prove its usefulness in solving the problems which they best of all know are overwhelming their courts. If the assembly-line really produces a better product, the judges will use it.

8. The judiciary is one of the most status-conscious professions, to a degree perilously and usually underestimated by outsiders. Without lengthy explanation, the following facts deserve attention. Within the court system, there is a pronounced hierarchy: appellate judges at the top, then general jurisdiction, then limited jurisdiction, then others. So strong are the distinctions between these levels that appellate judges and JPs do not really regard each other as belonging to the same profession. Deference from each level to the levels above is extreme, and there are often strong, hidden antagonisms. The consequence for judicial educators is that mixtures of the varying levels in educational situations must receive very careful attention, with due respect to the roles which each

judge is called upon to play. Further, the judiciary is very conscious of its relationships to other members of the criminal justice system. They will not be lumped in with prosecutors, police, probation officers, etc. Judges' meetings must be for judges alone; they are uneasy with meetings involving the whole system in which they are treated as just one component. In meetings comprised only of other judges, they are much more open and frank. The relationship of the judiciary to other members of the legal profession is similarly complex. Though strong ties exist with both prosecutors and defense attorneys, judges must retain their independence. Also, prosecutors and defense attorneys are always conscious of the power which a judge can exercise over them in a court room. Judicial educators need to be aware of these dynamics when considering approaches to the judges through organizations of the legal profession. Finally, judges are uneasy about the current influx of "outside experts" into the court system. They have for so long exercised sole authority inside their courts, and their independence is so strongly supported by constitutional and professional theory, that they regard outsiders with suspicion. It is also perfectly true that few outsiders understand the dynamics of the courts or the problems of the judges. The conclusion, therefore, is that outside experts should be introduced in a gingerly fashion, whether in referral programs or in educational situations. To throw the wrong person into the lion's den is to waste a good Christian.

9. As far as alcohol referral is concerned, a peculiar situation exists. By far the majority of judges are ignorant about alcoholism, problem drinking, and the role alcohol plays in their criminal population. They are currently being made aware of the possibility of alcohol screening and referral, but the majority remain sceptical. On the other hand, education in alcohol referral was initiated and is presently being carried out by judges alone, and by judges who have taken the responsibility as a result of their own perceptions and without much outside help. The result is the current rapid spread of simplified referral systems, and in some jurisdictions the development of highly organized, efficient, and apparently effective referral systems spearheaded by individual judges. Such judges represent a great resource within the judiciary, and it would be absurd to ignore their experience and expertise.

10. Again as far as alcohol referral is concerned, the difference between legislation and court action should be emphasized. Briefly, statutes set limits on what judges can do; they do not control judges' actions. Further, statutes which seem to solve a problem in alcohol referral often create even more problems for judges and the legal profession, first in terms of trial and disposition, second in terms of resources. Judges daily face the problems of implementing legislative requirements which they do not like or cannot implement. This drastically affects education in alcohol referral, even in the presence of a favorable statute. The educator rarely needs to explain the statutory situation to the judge by lecture, he needs instead to work with the judges in solving the problems which that statute brings to the individual court. Education in alcohol referral, therefore, is usually a process of dynamic problem-solving and job-planning at the level of the individual court.

4.0 OBJECTIVES OF JUDICIAL EDUCATION IN ALCOHOL REFERRAL

The general objective of educational programs would be to motivate judges to initiate, to manage, or to cooperate with a court-based system for identifying and referring problem drinkers coming into contact with the courts. Presumably, the educated judge will support mechanisms for responding by treatment and rehabilitation to the alcohol problems of offenders in criminal cases, and perhaps also of parties involved in non-criminal cases (e.g., family disputes, marriage problems, juvenile cases, employee-employer disputes). The educational programs would be designed to:

- o motivate judges to assume leadership in alcohol referral programs which would alleviate their frustration with alcohol-related cases.

- o equip judges to use judicial resources and court procedures to identify and refer people for alcohol screening and perhaps for education and treatment.

The rationale for choosing this objective is twofold:

(a) evangelistic efforts to stimulate judges' motivation by educating them about alcoholism have been successful with only a minority of judges;

(b) if the alcoholism community requests referral cooperation from the courts, it should offer them something in return; e.g., reduce their caseload problems, improve their procedures and effectiveness, ease their relationships with other members of the criminal justice system.

Rather than only creating a single package dealing with general informational matters such as "Alcohol and Crime," or "Alcohol and the Courts," the overall program would also break the general objective into a series of specifics suited to the needs of each of the courts and court-problems previously described. This section discusses these specifics and evaluates the priority and feasibility for achieving each objective.

4.1 Appellate Courts

Since appeals court judges have little potential for direct alcohol referral, educating them would seem irrelevant. However, several contrary arguments need mention:

(a) appeals court judges are very influential within the judiciary, and their concern is likely to stimulate that of other judges;

(b) since their decisions in individual cases and the pattern of their response to appeals dominate the patterns followed by lower court judges, educating them could have a major catalytic impact throughout the system;

(c) they are few in number and can easily be reached through professional organizations;

(d) since most judicial education takes place at the state level, it is a matter of both courtesy and good tactics to keep the most important judges well-informed and to seek their advice and assistance.

The nature of appeals court interests dictates specialized training. The subject-matter would probably emphasize two matters: the system's concept of alcohol referral, and the legal issues involved in alcohol cases. Education in alcoholism itself would be minimal, but information concerning alcohol's impact on the courts would be highly relevant. The systems concept and the legal issues would need to be balanced against each other. On the one hand, the appeals court judges need specialized legal briefing on, for instance, major decisions in other states and in federal courts; on the other hand, they need understanding of the complexity of inserting an alcohol referral system into community-based courts and treatment programs. Finally, appeals court judges are often mines of information as to what is feasible and infeasible in the environment of a state and a state's court system, and for this reason alone as much input as possible should be sought from them.

Several educational approaches are therefore possible. For conveying information, pre-packaged printed materials or a portable briefing are easiest. Such materials could be distributed to each judge, or delivered state by state to the appeals court judges in a group, or presented through national-level organizations and conferences. Some combination of all these approaches is very possible. As far as information is sought from the judges, a special meeting should be arranged state by state, with clear objectives as to what information is sought. This activity should take place early in an educational program. Contacts with appeals court judges could be undertaken by direct contract from a federal agency, since the judges are few in number.

4.2 JP and Magistrates Courts

Several factors suggest that a majority of these judges should receive low priority for education. Since they do not come under a centralized control in most states, they are very difficult to reach. Further, since they lack court-support services, they would have to assume complete responsibility for conducting and implementing their own alcohol referral system. Their numbers are large, and a full-scale attempt to reach all of them would not be cost-effective.

They need not, however, be completely ignored. Those JPs and magistrates who want education and can be reached by it should receive it. In some states they attend regular conferences, and they tend to be very responsive to education. Also, in many large geographic areas they have principal jurisdiction over DWI and other alcohol-related traffic offenses. Bringing education to those who already want it, in other words, would be cost-effective.

The avenue toward the JPs and magistrates is provided by state-level

organizations: their own professional organizations where possible; or the state alcoholism authority ; and particularly, those persons or organizations within each state already engaged in educating them (especially the units identified in the NCSC Judicial Training Profile). Assistance can be provided to the state organizations from the national level. Packaged materials, both written and audio-visual, can be made available. Better, the existence of annual meetings gives a good opportunity for the use of a travelling team (as discussed in Section 7.0 of this study), as long as the team's information is made relevant to the particular state. State traffic court conferences are the logical vehicle for such education, and the preparation of a program would require minimal effort--in fact, many state conferences already include some such material. Further advice and support could be sought from the ABA Traffic Court Program (Division of Judicial Administration), which is the organization most experienced in dealing with these judges nationwide.

The subject-matter of this training would be fairly traditional: the facts about alcohol abuse, about drinking driving, about problem drinkers, and about the nature of alcohol referral and treatment. The objective would be to alert these judges to the significance of alcohol to their communities and courts, and to inform them as to what local resources they may call upon. (It should be emphasized that some of the best alcohol referral programs in the country have been originated by local judges taking the initiative and working with public health agencies and volunteer organizations.)

4.3 Juvenile Courts

Whether they preside over courts of general or limited jurisdiction, juvenile judges may be singled out as a special priority group on two grounds: the population with which they deal is a special subset; the procedures and rules by which they operate are different from those of other courts. The group most experienced in working with juvenile court judges is the National College of Juvenile Justice (Reno), whose advice should be solicited.

Both the subject-matter of programs for juveniles and the court procedures for referral will require specialized attention. The experience of those programs which have dealt with juveniles (e.g., San Diego) is that they require an approach very different from adult users of alcohol. Specialists in juvenile alcohol education should be used, and the relationship with education in other drugs should be explored carefully. NIAAA has special juvenile education programs, as does NIDA, and the Office of Education may be explored as a source of both information and funds. Since juvenile cases are specially difficult for courts and for treatment programs, these judges should not be encouraged to set up referral systems unvalidated by research and experimentation.

4.4 Limited Jurisdiction Courts

There are two clear reasons for making these judges the top priority group for education: they hear 90% of the caseload; and of all

regular judges, they presently receive the lowest ratio of education per judge. In sum, they do not get the education they need and merit.

The nature of limited jurisdiction courts would dictate certain special interests: public drunkenness arrests, including decriminalization, detoxification, and the issues of the chronic public inebriate; drinking driving arrests, including the issues of highway safety, alcohol screening, and DWI schools; domestic disputes and lesser assault cases, including the use of probation and community service agencies.

The subject-matter of education would cover almost the entire spectrum possible. First, alcoholism itself. These judges need good basic knowledge about the nature of alcoholism, problem drinking, and social drinking. Essentially they will be required to determine the community's standards for acceptable and non-acceptable drinking patterns--which vary widely from area to area. To do this, they will need both adequate research and expert information, which should be "localized" to the maximum extent possible. Much of this information should be aimed at (a) destroying the myths about alcohol which judges, like most other people, believe; (b) overcoming the inaccurate beliefs which the routines of their daily activities and their profession have created. Second, they will need information about alcohol and crime, and about alcohol and the courts, so that they measure the extent to which alcohol is a problem affecting their case dispositions. Third, they will need information about alcohol treatment. Due to the skew in their population, these judges tend to be sceptical about the potential success of treatment, and they respond well to information that their actions may have productive results. All this information should be localized as much as possible, especially the information about the alcohol treatment programs and resources within their jurisdiction. Since communities vary widely both in the level of resources and theories of treatment, judges should know how many people of what kind they can refer to local agencies, and with what expectations.

Next, information about the legal issues of alcohol referral is essential: statute, case law, and policy. The exact information will vary from area to area, partly because some courts are better informed than others, mostly because there remain wide variations from one state to another and from one jurisdiction to another. Basic decisions about the intention of the educational program will affect this subject-matter: is the program designed to change substantially local practices? or is it designed to work out referral programs which will fit into those local practices? The subject-matter will be equally affected by where the education takes place and by who provides it: out-of-state agencies combining judges from many states or jurisdictions will concentrate less on local issues than an agency working with all the judges from the same jurisdiction.

Information about both theory and the practical realities of designing and operating a court-sponsored alcohol referral system must be provided. Because of the variations from area to area, this subject-matter must also be flexible; some areas have no probation officers, and A.A. is their single referral agency, while others have a full range of court support and referral services. To provide an ideal which no one

can reach is counterproductive; so is placing all the burden on the judge to design and implement a program. On the other hand, if more leadership is expected from the judge, he must be well armed with a knowledge of what to do and how to do it. Again, various combinations of national-level theory and local information seem desirable.

Finally, whatever the area of information, the systems concept and approach should be emphasized. Especially when dealing with court procedures, one is asking the judge to work cooperatively with other members of the criminal justice system (especially the prosecutors) and with the treatment system. The judge is being asked to consider a number of roles which few limited jurisdiction judges are used to performing, and the rationale for this change should be explicit.

The avenues and methods for conveying this education to limited jurisdiction judges are numerous. It cannot be done in a one-shot effort. The field is so complex and local circumstances so variable that a continuing education program of many different levels is the only feasible solution. In some situations, packaged materials or packaged educational occasions will be most suitable. More specialized materials will be necessary for local programs and for programs offered regularly through existing organizations for judicial education. There is plenty of room for everybody; indeed, there is a need for everybody to assist these courts.

The federal funding agencies can play a highly useful role with regard to these courts in (a) the design and development of materials; (b) the development of consistent nationwide programs; (c) the funding for agencies to conduct the education and for judges to attend the programs. Only the participation of the federal agencies will produce consistency, quality, and continuity.

4.5 General Jurisdiction Courts

Because of their number and the nature of their caseloads, these judges should receive second or third priority. Several factors differentiate them from the judges of limited jurisdiction courts: (a) their handling of appeals from the lower courts; (b) the greater criminality of the offenses with which they deal; (c) the tendency for their courts to possess superior support resources; (d) the lack of knowledge and experimentation in the treatment for alcohol problems of the kind of defendant with which they deal, and of the proper court procedures for referring such defendants; (e) the ease with which they can be contacted through state-level organizations due to their comparatively fewer numbers.

It should be noted that general jurisdiction judges are currently the favorite target-group of judicial educators. Thanks to LEAA, these judges are now offered more education than has ever been available to them before. In many ways, they are, therefore, the most logical group with whom to begin, and certainly the easiest from the viewpoint of motivation and past experience. However, two factors demand caution. First, they do not handle the vast number of alcohol-related cases disposed of by the lower courts. Second, we do not know as much about either

the procedures for referring their defendants or the methods for treating them as we do in the case of misdemeanants. These areas have been almost completely neglected by the criminal justice system, and experimental, developmental, and research programs will have to be conducted before we can talk with as much assurance as we can about chronic inebriate or drinking driver referrals.

At this stage of the game, it is presumptuous to talk about the details of the subject-matter of educational programs for general jurisdiction judges. The systems concept is still a basic issue, as is information about alcohol and crime and the court system. Information about statutory matters, legal issues, and treatment resources is still relevant. In other words, they would receive the same basic core of information as all other judges.

The remainder is more difficult, and it would have to address itself to two basic issues. First is the fact that because most offenses directly related to alcohol are misdemeanors, they occupy the lowest rank in importance among general jurisdiction courts. They are irritants, far below both felonies and civil cases. Second is the fact that few if any of the nation's general jurisdiction judges respond to the alcohol addiction of offenders brought before them. They do not accept alcohol referral as a legitimate judicial response, let alone as a priority.

Balanced against these factors are items of positive effect. Judges of general jurisdiction courts tend to be more experienced and learned than judges of limited jurisdiction courts (though this is by no means always true). Many of them have come from limited jurisdiction courts and understand their problems, while they are also more experienced with legal issues because they deal more often with trials. Second, more general jurisdiction judges are used to dealing regularly with other agencies, including prosecutors on the one hand, and probation and referral agencies on the other. They function more within a system than do the isolated limited jurisdiction judges.

A word of warning should be repeated about general jurisdiction courts and alcohol referral experts. These judges tend to be more legalistic than other judges, more conscious of the judiciary as a profession with functions different from those of any other profession, and more interested in restricting themselves to the solution of the vast number of technical (especially trial) issues which confront them than in responding to a societally desired goal. In other words, they will not flock to education programs dealing with alcohol referral. Such attitudes require special strategy in terms of subject-matter, vehicles for education, and long-term objectives.

The objectives for education in alcohol referral are very similar for both limited jurisdiction and general jurisdiction judges. In both cases, they require enough education to motivate them to sponsor or cooperate with referral programs. In both cases, they need assistance in understanding the methods of alcohol referral, the benefits to their court systems of referral programs, the legal parameters and court procedures influencing alcohol referral, and the treatment resources available.

The eventual objective of educating them is to achieve a major shift in their exercise of judicial authority, away from revolving-door justice and towards use of the assembly-line concept to make the judge a societal agent of authority against undesirable alcohol-related behavior.

5.0 EXISTING JUDICIAL EDUCATION

Education of the judiciary is new and still rare; all regular, institutionalized efforts have come into being only during the last decade, though some are already well established. Funds have been sparse. They are still far from generous. The judiciary has been neglected to the point that many judges still do not regard judicial education as normal or even desirable. However, there are many signs that this situation is changing--certainly the profession's own statements about judicial education indicate its importance, and existing institutions can barely meet current demand, let alone the real needs.

The initiative and funding for judicial education are instructive; both come primarily from the federal level. Though state initiatives are increasing dramatically, it is by the use of federal funds, and few states are showing much innovation. The original incentive for federally-funded judicial education has come from federal judges, especially Justices of the Supreme Court. And all judicial education is overwhelmingly dominated by funds from the Law Enforcement Assistance Administration (Department of Justice). The National Highway Traffic Safety Administration (Department of Transportation) has funded a smaller, more specialized effort. The National Institute on Alcohol Abuse and Alcoholism (Department of Health, Education and Welfare) has funded no judicial education so far, and indeed, last year rejected proposals in that area. No other federal agencies are known to have allocated funds for judicial education. Among independent agencies, the foundations have contributed significant seeding grants (e.g., Fleischmann Foundation, Kellogg Foundation, and Ford Foundation). The American Judges Association, the American Judicature Society, and the American Bar Association (through its Judicial Administration Division with the help of American Bar Foundation funds) have been the pioneers within the legal profession.

The consequences of history and finance are singularly important to the professional educator. He will find the judiciary a profession locked into certain educational stereotypes created by the legal profession, apprehensive about "outside" influence, preferring to keep education of the judges by the judges for the judges. Though existing educational organizations are steadily introducing the judges to more innovative educational methods, most judicial education is pronouncedly conservative--the distinguished speaker at a large-group conference remains the norm. Further, existing judicial education is oriented to strictly technical legal and trial issues, though inroads are being made by the increasing societal demand that judges possess management skills. Indoctrinated by law school training, lawyers come most alive when legal rather than social matters are at issue, and judges respond most energetically to the same debates--whether or not the issues have overriding importance. In such an environment, judicial educators tend to be very cautious about subject-matter and manner of presentation.

As a note of optimism, one should point out that most judges are (unknowingly) so bored by the traditional conference format that they respond with great pleasure to different educational techniques, and they are particularly good at discussion and critique. As long as professional norms in

subject-matter are reached, educators may therefore feel increasingly free to experiment with techniques.

The remainder of this section describes the principal on-going efforts in judicial education with special reference to alcohol referral.[1] It should be noted that almost all these organizations are related to the legal profession rather than the alcoholism profession. Of course there are numerous excellent alcoholism training programs throughout the country, some attended by self-motivated judges, while others invite judges to join other personnel at, for instance, Summer Schools or conferences. We were unable to find a single program run by the alcoholism profession specially for judges.[2]

5.1 Law Enforcement Assistance Administration

LEAA funds directly or indirectly most of the major existing organizations through its Office of National and Priority Programs. The following is LEAA's description of the seven main efforts currently supported by $1.2 million:

Description

The six educational organizations plus the National Center for State Courts serve the training needs of appellate judges, appellate court clerks, general, limited and special jurisdiction trial judges, court administrators, and juvenile court judges, referees and probation officers. The (1974) projects are summarized below.

I. National, Regional and Supplementary Programs (American Academy of Judicial Education)

This project will continue the Academy's training of limited and special jurisdiction judges, conducted successfully for several years under LEAA sponsorship. This year's schedule includes a two-week national conference, a one-week graduate program for alumni of previous National Academy sessions, and a three-day in-depth seminar on special subjects. The Academy's teaching methods include modern education techniques such as videotaped mock

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1 Apologies are extended to anyone omitted through lack of knowledge about their activities. This survey is incomplete.

2 The National Center for Alcohol Education has published a very useful work called Alcoholism Training Programs in the United States and Canada: a Descriptive Directory (December 31, 1974). This lists training programs state by state, and also the State Directors of Alcoholism and Drug Abuse Programs.

trials, and audio-visual presentations. In addition to these discretionary grant activities, the Academy will continue to conduct in-state seminars (some 35 were held in 1973) which are completely SPA funded.

II. Court Executive Development Program (Institute for Court Management)

ICM's curriculum for court administrators has been adapted to cover a two-year period of residential academic training and on-the-job expericence. A class of forty is selected through five five-day "screening workshops" and enrolled in "immersion assignments" to familiarize them with practical problems of court administration. Students then attend a four-week residential seminar, followed by a lengthy internship and two-week wrap-up seminar on Court Management Operations. In recent years as many as six hundred persons have applied for this program.

III. Appellate Judges Seminar (Institute of Judicial Administration)

This continues a program held each summer since 1956. Some twenty judges are admitted to each of two two-week seminars: one for judges of the highest state courts, the second for judges from intermediate appellate courts. The program features a distinguished faculty, including Chief Justice Burger, an enthusiastic participant in nearly every session since he was a student in the program fifteen years ago.

IV. Center for Appellate Justice (Louisiana State University)

LSU Law School has provided regional programs for state appellate court personnel under LEAA grants for several years. This year's activity includes two five-day seminars for 25 judges each and a four-day seminar for court clerks.

V. Juvenile Court Judges Training Program (National Council of Juvenile Court Judges)

The National College provides resident courses of one, two, and four weeks on general topics of interest to trial judges and specific subjects such as administrative law, traffic, criminal and evidence law, sentencing, court administration, and minority perception of the judicial process. This year's eighteen programs will serve up to 850 participants.

VII. Office of Training (National Center for State Courts)

This is the umbrella which covers the entire training package. Activities and progress under the other projects will be monitored, evaluated, and reported to LEAA through this office, headed by the Chief of Training. A second function is to plan future training efforts with the participating organizations, with an eye toward the availability of funds and progress made by the states in developing their own training resources. Thirdly, training standards and model training plans will be further developed and compiled in an Administrator's Manual for Judicial Educators and SPA Courts Specialists, in order to assist state court systems in designing their own comprehensive educational programs. These steps will encourage the states to assume the judicial training burden, as well as providing for the most efficient use of discretionary grant dollars.

Evaluation

Each of the training programs included in this package has been funded in the past and their value to judges and administrators has been demonstrated. The virtue of bringing these six programs together under the National Center for State Courts lies in the avoidance of duplication, either in the nature of the training or with respect to LEAA funding. The assignment of responsibilities among participating organizations reflects careful study by NCSC and a year's experience with the package concept. This device installs NCSC as an added layer of evaluation of six proven programs, while sacrificing none of LEAA's overall monitoring and quality control.

5.2 Activities of Existing Facilities

National Center for State Courts, 1660 Lincoln St., Denver, Colorado 80203
Edward B. McConnell, Director

The National Conference on the Judiciary in 1971 made the creation of a national center "to stimulate and guide the movement for the improvement of state courts" a matter of high priority, citing the need to parallel the Federal Judicial Center at the state-court level. Accordingly, since 1971, the National Center for State Courts, primarily with LEAA funds, has become the largest single organization dealing with state-level courts, acting as a coordinator for the activities of many other organizations, and now with an unrivalled network of regional offices and state representatives. Currently it serves as the Secretariat for the National Conference of Metropolitan Courts, National Association of Trial Court Administrators, and the National Conference of Appellate Court Clerks.

The Center describes its goals as follows:

1. To help state courts set and observe satisfactory standards of judicial administration.
2. To support and coordinate, but not supplant, the efforts of all organizations active in the field of court improvement.
3. To act as a clearinghouse for information concerning state courts.
4. To initiate and support research into problems of courts and to help states consider and implement recommended solutions.
5. To work with the Federal Judicial Center to coordinate research into problems common to both Federal and state courts.

These goals have guided the Center's programs and plans throughout its first two years, and they will continue to do so. They describe the distinct ways in which the Center seeks to achieve a single purpose: to serve state courts by helping them better serve the citizens who come to them for justice. In pursuing these goals, the Center remains keenly aware that, while state courts have common characteristics and responsibilities, each state court has unique needs and problems. The Center tries to respond to both the individual and the common needs of state courts.

The National Center has become the most important single force for analysis of state court problems and for the dissemination of information about the state courts. Two points, however, should be emphasized. The Center deals with state courts, not with local courts (though there is some inevitable overlap in various projects). Further, the Center has precluded itself from engaging in any direct educational efforts. Its relationship to training is described in the Annual Report (1971-1973):

Coordination of Training Programs

The State Courts Center has received a grant from the Law Enforcement Assistance Administration for a project to 1) improve the coordination between the various training programs for judges and other court personnel and thus enable federal assistance for these programs to be handled through a single package of grants, and 2) develop a model state court training plan that can be used by state court systems, state criminal justice planning agencies and LEAA regional offices. The Institute of Judicial Administration, the American Academy of Judicial Education, the Institute for Court Management, the National College of the State Judiciary, the National Council of Juvenile Court Judges and Louisiana State University will take part in the project.

The Center has performed the extremely useful service of publishing a State Judicial Training Profile, listing and describing all state-level organizations. In May, 1974, it also convened the first national meeting of judicial educators, an important innovation which produced some interesting papers (though no Proceedings were published) and which may be repeated at a future date.

The Center contains a Training Division designed to coordinate information and projects in the area of state-court judicial education, and though the organization has shown no interest in alcohol referral it has an obvious importance in disseminating information both to and from judicial educators, and it will presumably continue to develop the expertise of its own staff and others in the area of training.

Institute of Judicial Administration, Inc., 40 Washington Square South,
Paul Nejelski, Director New York, N.Y. 10012

Located in New York City, the Institute is one of the oldest units in the field of judicial education. Using LEAA funds, it has conducted several specialized training efforts since 1956. It deals entirely with appeals court judges, working with individualized programs. In 1965, it published Judicial Education in the United States (now out of print). None of its work has dealt with alcohol referral, but there seems no reason why it should be uninterested in an educational program designed for the specialized interests of its judges. The Institute's primary activity is court studies and system improvement, and it possesses excellent credentials in the academic sphere.

American Academy of Judicial Education, 1426 H St. N.W.,
Douglas Lanford, Director Washington, D.C. 20005

Founded originally by individuals from the American Judges Association and the American Judicature Society, the American Academy of Judicial Education is the major testimonial to the grass roots efforts of the lower-court judiciary to generate educational programs. Located in Washington, and mostly funded by LEAA, the Academy is unique in giving first priority to the judges of limited jurisdiction courts. It organizes and administers judicial conferences both in a central location (Boulder, Colo.) and in various states. It also develops printed materials and training aids and assists other units with various resources, including an information referral service, the start of a "national data bank" of material and training aids, and Judicial Education News, a bi-monthly newsletter sent to judicial leaders. The Academy states that it was the first organization to develop a national educational conference for judges of courts of limited jurisdiction; the first to announce and implement the concept of a comprehensive educational program, emphasizing services at the state level, for every level of a state's judicial system; and the only national organization that provides total organizational, publicity and administrative assistance to states in developing a comprehensive in-state program. (The Academy's emphasis on limited jurisdiction judges and in-state comprehensive training differentiates it from the National College of the State Judiciary.)

Since 1970, the Academy has trained approximately 5,200 state and local judges. The Academy uses mostly judges and law professors as faculty. Its programs deal mostly with legal issues, especially trial issues, but some also cover various kinds of court procedures and court support activities. Though none of its present programs deal with alcohol referral, the Academy has already expressed active interest in the subject. Most of its training programs are paid for through the State Criminal Justice Planning Agencies.

Institute for Court Management, 1612 Tremont Place, Suite 210,
Harvey E. Solomon, Director Denver, Colorado 80202

The Institute was created in 1970 under the aegis of the American Judicature Society, the Institute of Judicial Administration, and the American Bar Association, with initial funding from the Ford Foundation, the Johnson Foundation, and LEAA. Though still part-supported by LEAA funds, the aim of the Institute is to become self-sufficient through tuition charges. By mid-1975, some 250 people will have been certified by the Institute as Court Executives, and its programs are both innovative and over-subscribed. The Institute programs are as follows:

1) the Court Executive Development Program, "designed both to enhance the skills of the seasoned court administrator, and to give recent graduates in public administration, law, business, and related fields a thorough understanding of the judicial environment."

2) Workship Program on the Technology of Modern Court Management. Each year the Institute offers a series of six-day workshops on a regional basis, each with an enrollment of about 40. They cover "the subjects basic to the operation side of court management" and are designed for persons already in court administration.

3) Advanced Education Program in Court Management. Starting in 1975, a series of workshops in specialized topics will be offered to more experienced administrators.

4) Court Study Program. Funded by LEAA grants at first, and now more by contracts with State Planning Agencies, the Institute undertakes basic research into court operations and applied research into the improvement of individual court systems. (Some 25 projects have been completed so far.)

The Institute does not train judges, but it is undoubtedly a major force in professionalizing court administration. The subject-areas with which its curriculum deals exactly parallel many of those involved in an alcohol referral program. Further, as the Institute itself claims, "its amalgam of research, action and education is considered unique in the court management field." The staff of the Institute is very small, though since it uses outside consultants (e.g., administrators and judges), it has access to a large number of experienced people. If it could be interested in alcohol referral programs, the Institute's expertise would be

a major--perhaps crucial--asset. (The Institute publishes a short but very useful document entitled "What is ICM?", and a useful brochure detailing the substance of its programs.)

National College of the State Judiciary, University of Nevada,
Ernst John Watts, Dean Reno, Nevada 89507

NCSJ is an activity of the ABA Judicial Administration Division, funded by the Fleischmann, Kellogg, and McCarthy Foundations, the American Bar Endowment, LEAA, and tuition fees. It is the oldest institution for judicial education of state court judges, founded in 1964, with a full-time staff of 29 at permanent headquarters in Reno. From 1964 to 1974, some 3,600 judges attended one or more of its courses, and enrollment should pass 1,000 per year in 1975. Judges of both general jurisdiction and limited jurisdiction attend courses, and some 11,000 participants have attended state or regional conferences run outside Reno. NCSJ also possesses a 32,000 volume library.

The main programs offered by NCSJ are as follows:

1) Four-week Basic Course. This is for judges of general trial jurisdiction, but includes some appellate juges. Many are newcomers to the bench.

2) Two-week Basic Course. Established in 1972, this course is for judges from courts of limited jurisdiction.

3) Graduate and Specialty Courses. For judges who have experienced the previous programs, one- and two-week courses concentrate on new developments in specific areas of law. Courses are offered for both limited jurisdiction and general jurisdiction judges. Other courses also concentrate on court administration, for both court administrators and presiding judges.

4) Off Campus Activities. NCSJ is also offering "extension programs" in "many states," at the request of the state, and it has the expressed goal of "facilitating the establishment of comprehensive in-state training programs for judges and court-employed non-judicial personnel." Some training of judges to be instructors in their own jurisdiction takes place.

NCSJ is the only judicial organization which presently teaches some few judges regularly about alcohol and the courts. For instance, of the eight one-week Specialty Sessions scheduded for 1975, one is on "Alcohol and Drugs," a second on "Traffic" with special emphasis on drinking drivers, and a third on "Court Administration," which is relevant to referral procedures. Enthusiasm for the "Alcohol and Drugs" section has not been high, but NCSJ intends to change its approach rather than abandon the Session altogether.

National College of Juvenile Justice, P.O. Box 8000, University of
Louis W. McHardy, Dean Nevada, Reno, Nevada 89507

Established in 1969 by a grant from the Fleischmann Foundation, NCJJ is the training division of the National Council of Juvenile Court Judges. The National Council (with 1,500 member judges) has itself been conducting training for juvenile court judges since 1961--some 125 training sessions reaching more than 3,500 juvenile and family court judges and 4,200 other court personnel. Since the establishment of the NCJJ, more than 500 judges have completed its two-week course, which is now the leading juvenile justice training program, and which is offered four times a year in Reno for juvenile, family, and domestic relations judges and referees. With funding from LEAA and often working for individual states, NCJJ has also provided specialized in-state training for other personnel (e.g., probation officers, parole officers, prosecutors, court administrators), and its programs now reach more than 3,500 people per year. The College also offers a one-week Graduate Session in either specialized topics (such as drug abuse) or current issues facing the juvenile courts. On request from states or communities, NCJJ also conducts traveling team programs, the community advocate team project, and juvenile justice management institutes: most of these are large-group meetings with specialist lecturers, conducted on behalf of a community. With a training staff of three people, NCJJ uses mostly judges for faculty.

At present NCJJ devotes no course or portion of its curriculum to alcohol, though it does emphasize drug abuse. However, it has ready access to the expertise of the National Council of Juvenile Court Judges and also to the National Center for Juvenile Justice, the Council's research branch located in Pittsburgh. Also of interest is NCJJ's sponsorship of the National Conference on Juvenile Justice, a large and popular program.

5.3 Activities of Other Agencies

These organizations, at their annual meetings and otherwise, conduct educational programs and workshops for their members which constitute substantial continuing education. All of them are qualified and capable of conducting certain functions of the continuing education program on addictions contemplated by this study.

1. The American Judicature Society, 1155 East 60th Street, Chicago,
Frederick D. Lewis, Executive Director Illinois 60637

This is the oldest, largest and most active organization in the judicial field. It can be counted upon for major contributions in planning and, especially, implementation of the programs envisioned by this study. It does not normally conduct training programs, but has a fine potential for doing so. The Society is a father and major implementer of judicial reform.

2. National Council of Juvenile Court Judges, P.O. Box 8978.
Louis HcHardy, Executive Director Reno, Nevada 89507

3. National District Attorneys Association, Ste. 1204, 211 East Chicago Ave.
Patrick F. Healy, Executive Director Chicago, Illinois 60611

4. National Association of Defense Lawyers in Criminal Cases,
Suite 1135, Alfred I. DuPont Building, Miami, Florida 33131
Robert L. Koeppel, Executive Secretary.

5. Association of Trial Lawyers of America, 20 Garden Street,
Richard S. Jacobson, Director Cambridge, Mass. 02138
of Public Affairs and Education

The Association has an accelerating interest in training lawyers for more effective court practice and devotes considerable attention to the problems of courts and judges.

6. American Judges Association, P.O. Box 1399, Holyoke, Mass. 01040
Hon. Michael J. Donohue, Executive Director

This is the largest organization of judges in the world. Most of its members are judges of courts of limited jurisdiction. The Association has a prestigious track record for continuing training of judges in handling one of the major problems of these courts: the addicted offender.

7. Conference of Supreme Court Chief Justices, 36 West 44th Street,
William L. Frederick, Secretary. New York, N.Y. 10036

8. National Council on Crime and Delinquency, 411 Hackensack Ave.,
Milton G. Rector, President Hackensack, New Jersey 07601

1. National Institute on Crime and Delinquency Conducts an annual meeting emphasizing training for correctional personnel, but has positive ties to legal and judicial education.

2. Volunteers in Probation, Inc., 200 Washington Square Plaza,
Royal Oak, Michigan 48067,
Hon. Keith J. Leenhouts, Director.

9. Practising Law Institute, 810 Seventh Ave., New York, N.Y. 10019

Conducts a voluminous series of legal education seminars year around, coast to coast.

10. Court Practice Institute, 127 North Dearborn St., Chicago, Ill. 60602

11. National Center For Alcohol Education, 1901 N. Moore Street,
Maureen Carroll, Director Arlington, Virginia 22209

12. Alcohol and Drug Problems Association of North America, 1101 Fifteenth St. , N.W., Washington, D.C. 20036
A. A. Hewlett, Executive Director

ADPA is establishing a Judicial Advisory Council for the primary purpose of developing educational programs on addictions for judges.

13. National Council on Alcoholism, 2 Park Avenue, New York, New York 10016
George Dimas, Executive Director

NCA operates through local councils who have potential for assistance in implementation of programs envisioned by this study.

14. Federal Judicial Center, 1520 H St., N.W., Washington, D.C. 20005
Judge Walter E. Hoffman, Director.

If and when the projects proposed by this study are expanded to include Federal Courts, administrative law judges etc., this Center has staff and facilities to conduct educational programs, as well as to conduct research and planning.

15. National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, Dept. of Justice, 633 Indiana Ave., N.W., Washington, D.C. 20001.
Gerald Kaplan, Director

16. National Institute of Justice, 1705 DeSales, St., N.W., Washington, D.C.
Charles J. Rhyne, Chairman

This ABA - sponsored organization is in the formative stages. It could become the major action organization in the field of continuing judicial education and planning.

17. National Legal Aid and Defender Association, 1155 East 60th St., Chicago, Ill. 60637
Frank N. Jones, Executive Director

5.4 American Bar Association

The American Bar Association shows considerable interest in the field of alcohol abuse, and it has been the pioneer in judicial education through both the National College of the State Judiciary and the Traffic Court Program. It is actively interested in new techniques for accomplishing judicial education in alcohol referral.

Of particular interest is the Judicial Administration Division, which includes the Appellate Judges' Conference, the National Conference of State Trial Judges, the National Conference of Special Court Judges, the Conference of Administrative Law Judges, and the National Conference of Federal Trial Judges. Under this Division's sponsorship, also, are

the National College of the State Judiciary and the Traffic Court Program, both of which were originated by the ABA. For many years, the Traffic Court Program was the only systematic nationwide effort to reach limited jurisdiction judges, holding conferences over a period of years for many judges. It is presently undergoing a revision of objectives and format.

The administration of the ABA is exceedingly complex, and it is scattered across the nation. With some units administered by paid employees, others by volunteers, it is difficult to find where energy and initiative and lines of responsibility lie. No thorough attempt was made in the course of this study to analyze the ABA situation, but all units contacted were very responsive. It seems likely that a systematic attempt should be made to marshal the numerous ABA resources--in terms of information and expertise--toward the design and conduct of judicial education in alcohol referral. Its present lack of attention to this specific area could be quickly remedied, and its cooperation would be essential to any ongoing national programs.

Following is a brief summary of ABA units possibly concerned with the concepts of this study.

AMERICAN BAR ASSOCIATION, 1155 East 60th St., Chicago, Illinois 60637 Bert H. Early, Executive Director. This is the umbrella organization under which are divisions, sections and committees having programs and activities relating to continuing legal and judicial education.

A. Division of Judicial Administration.

1. Appellate Judges' Conference

2. National Conference of State Trial Judges

   a. National College of the State Judiciary

3. National Conference of Special Court Judges

4. Conference of Administrative Law Judges

5. National Conference of Federal Trial Judges

6. Traffic Court Program

B. Section of Criminal Justice.

Committees of this Section include:

Alcoholism and Drug Abuse
Corrections and Rehabilitation of Offenders
Court Modernization in the Criminal Law
Standards for Administration of Criminal Justice
Juvenile Delinquency

Law Enforcement
Legal Research and Criminal Justice Planning
Revision of State Criminal Laws
Trial Techniques and Advocacy in Criminal Law
Teacher Training Institute

C. Section of Family Law.

Committees of this Section include:

Family Law Judges (with educational subcommittees)
Juvenile Law and Procedure

D. Section of General Practice.

E. Section of Individual Rights and Responsibilities.

Committees of this Section include:

Alcoholism and Drug Reform
Personal Liberty, Property and Due Process
Rights of the Accused and of the Public

F. Section of Legal Education and Admissions to the Bar.

G. Section of Young Lawyers.

Committees of this Section include:

Administration of Criminal Law and Prison Reform
Drug Abuse

H. Special Committees of the Association.

1. Coordination of Judicial Improvements
2. Military Justice
3. Commission on Standards of Judicial Administration
4. National Institute For Trial Advocacy

Through the American Law Institute/American Bar Association Joint Committee on Continuing Legal Education, the American Bar Foundation, and the American Bar Endowment, there has developed a considerable tradition of ABA leadership and innovation in the fields of legal and judicial education.

5.5 State-level Organizations

The National Center for State Courts is currently completing a State Judicial Training Profile (working draft published March 19,1974). The Profile surveys existing agencies, staff, programs and funds within each state allocated to all kinds of judicial education.

The Profile shows almost all states reporting some kind of training for at least some of their judges. Twenty-two states reported some kind of mandatory training. Thirty-three have a "training staff"--which is usually part-time--and a budget set aside for judicial education. In other words, there is at least a skeletal state-level structure for judicial education throughout most of the country.

However, there is very little flesh on the skeleton. For instance, only 16 states spend $100,000 or more per year on activities related to judicial education. (Pennsylvania and California report the largest sums.) Very often, much of the budget goes to a single, annual, large-scale conference, which is a poor vehicle for serious education. Almost all the funds expended by state agencies come from LEAA, and a large proportion of those funds were expended to enable judges to attend LEAA-funded programs (especially National College of the State Judiciary, American Academy of Judicial Education). Thus, the degree of financial commitment from the states or from the judiciary is pathetically small.

The pattern of judicial education at the state level is interesting. Thirty-three states gave in-state training, which consisted almost exclusively of either the annual conference or orientation for new judges. Twenty states in 1973 sent judges out of state for training. Training units or agents are located almost entirely within the court system, most often in the offices of the Supreme Court. Only seven or eight states seek even peripheral assistance from university-located units. Education was offered to limited jurisdiction judges in 36 states, to general jurisdiction judges in 35, and to appeals court judges in 19 states. Only 11 offered something special for juvenile court judges, 3 for probate court judges, and 2 for family court judges. Finally, only 6 states reported holding formal sentencing institutes of the kind strongly recommended by the American Bar Association, and only 12 offered orientation sessions for new judges. For an excellent example of a state-level training agency, one might look at the California Center for Judicial Education and Research, which carries out an extensive program with a mixture of state and federal funds.

The conclusion must be that both the initiative and the funding for judicial education come from the federal government, and that LEAA is providing vitally necessary funds and resources, especially by supporting the National College of the State Judiciary and the American College for Judicial Education. The states seem receptive to these funds, though the majority are not energetic in seeking them. A handful of states seem to be seeking to establish a permanent structure and programs, and in those states the pressure seems to be coming from the judiciary. Obviously state-level training agencies are desirable and their activities should be strengthened by federal actions.

5.6 National Institute on Alcohol Abuse and Alcoholism

NIAAA has funded neither grants nor proposals in the area of judicial education. The criminal justice system, however, is emerging as one of its main areas of interest, as is reflected in the existence of a Criminal Justice Program within NIAAA. NIAAA contains a Training Division, so far inactive with judges, and it has cooperated with NHTSA in contracting with Johns Hopkins University for the design of a Seminar for treatment personnel dealing with drinking drivers. Created in 1973 by contract from NIAAA is the National Center for Alcohol Education, charged with developing and testing materials for many different interest groups both in alcohol and in alcohol program management. NCAE has no programs for criminal justice system personnel, but, realizing the importance of this target-group, sponsored a conference of judges and judicial education (June, 1974), and a meeting of organizations concerned with judicial education (October, 1974). With NIAAA permission, NCAE also chose to divert funds for the completion of the present report.

5.7 National Highway Traffic Safety Administration

The National Highway Traffic Safety Administration (NHTSA) has been approaching judicial education in a totally different manner from LEAA. Starting in 1971, NHTSA contracted for Alcohol Safety Action Projects in 35 states, designed to devise and implement improved methods for handling DWIs. All these ASAPs are "demonstration" projects only, i.e., the contracts last for only three years. Most ASAPs were community-based. The increased arrest-load, of course, affected the courts dramatically, and to assist them to solve their problems, NHTSA contracted with Indiana University to design and conduct a series of parallel "Seminars in Alcohol Safety": one for judges, one for prosecutors, and one for pre-sentence/probation staff. Some 60 of these Seminars have been conducted in 28 ASAP communities since 1971, completely with federal funds. For the moment, the salient features are as follows: 1) this is the only nationwide effort at a special program for a specific area of alcohol referral (DWI); 2) they are an almost unique example of a special-interest group (highway safety) offering an educational program to the judges; 3) the Seminars' administrative agency has always been a local highway-safety unit able to prepare and follow up over a long period, thus not leaving the judges without outside support; 4) the Seminars contain some straight education but consist mainly of court system design aimed at solving the judge's problems and making his ASAP-related actions more effective; 5) though the Seminars use mostly the same materials from site to site, each is also tailored to fit a local community's situation; 6) all Seminars use a combination of local personnel and outside professionals for the instruction. NHTSA has spent almost half a million dollars on these Seminars and reports great satisfaction with their impact. The contract also produced printed Seminar Manuals available for use by anyone; though there is some strong evidence that the Instructors need to be highly trained, in both the alcohol safety subject-matter, the problems of court procedures, and the specialized educational techniques needed with judges.[3]

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3 For further information, contact James A. Palmer, Institute for Research in Public Safety, Indiana University, 400 E. Seventh St., Bloomington, Ind. 47401

With other contracts NHTSA has tried different approaches to support highway traffic safety activities at the local level. A contract undertaken by a private firm designed and conducted a series of organizational development seminars during the earlier stages of the ASAP. At each ASAP site, representatives of all agencies connected with the alcohol safety system, including judges, were brought together for discussion and role-playing to define the problems in the existing system and to design organizational solutions. These Seminars were conducted at sites. The contract did not result in the publication of highly substantive manuals available for independent use.

In another contract independent of the ASAPs, NHTSA called for the development of curriculum packages on highway safety so as to enable a local workshop leader to conduct a local workshop in highway safety for the local judiciary. Under a subsequent contract, training of a limited number of state-selected workshop leaders in the delivery of the package was carried out. Most leaders were judges. A current contract uses another approach: it calls for the training of court administrators in how to manage a court system for highway safety objectives. This contract will also be followed by training of local instructors. All these packages deal with the issues of alcohol referral, though in various ways.

The NHTSA approach has certain distinctive elements. NHTSA funds the development and testing of an educational program with federal money, under contract with independent businesses or universities. The contract normally results in a curriculum package, publicly available for purchase from the Government Printing Office. To ensure the use of the package, NHTSA has adopted three strategies: (1) publication for general purchase (unaccompanied by any deliberate publicity); (2) use of the staff of independent contractors to carry the educational program to local units, using direct federal contract funding to the educational agent; (3) attempts to train a few people within a single state to deliver the developed curriculum package. Actual training and use of the package will then be determined by the Governor's Highway Safety Representative within each state, using the highway traffic safety funds disbursed to the state under the block grants formula, which includes required state and local matching funds. The pattern is to undertake design from the federal level, to get instruction to the state level, and to aim it at local judges. There is some debate as to which of two strategies is better: to train judges directly, or to train trainers. The job of training all judges from the federal level may not be appropriate, and it is too massive to fund. Selectivity is difficult except in such special cases as that of the ASAP sites. On the other hand, it is perhaps wasteful (even if technically feasible) to train someone to be a part-time trainer, since few people know enough about both highway safety and educational skills. In sum, NHTSA tries to respond to both needs by using Sec. 403 funds for direct training support to one-time demonstration projects and by encouraging the use of Sec. 402 funds (block grants) to develop long-term, in-state capabilities.

NHTSA's effort represents a unique attempt by the federal government to provide a special-interest service to local judges. NHTSA is also the only agency conducting judicial education in alcohol referral

nationwide. In educational terms, NHTSA is also the most experimental agency, attempting to develop printed packages which contain highly professional materials and yet also take into account the variety and autonomy of the lower courts. Since the area in which they are interested--drinking driving cases--is the second largest group of alcohol cases in the criminal justice system, NHTSA's efforts emerge as singularly important.[4]

5.8 General Comments

1. As a general observation one might note that the judiciary faces a quandary when education is in question. Even if judges admit to themselves that they need more training, can they afford to admit that need to the legislators, the funding agencies, and the public? With judges reluctant to admit that need to outsiders, how can outsiders come to their aid? When the uneasiness of the judiciary to act as a group in putting pressure on state legislatures for more funds is taken into account, even for their daily operations and facilities, is education likely to receive priority? And finally, with most of the country's courts under local rather than state control as far as funds and resources are concerned, are the judges likely to develop enough pressure at the state level? Each state, of course, will have to answer these questions individually, but they must also be answered by any educational program which attempts to work through state-level programs to reach community-level judges.

2. The problem of quality instructional personnel impedes all programs in judicial education. An estimated 150 people nationwide have judicial education as a profession, and for most of them it is very much a part-time occupation. Most judicial education is carried out (but not administered) by judges, some paid, many unpaid. The judiciary and educators have not yet learned cooperation. The education profession is generally derelict in response to the ongoing needs of adult professionals. Few educators know anything about judges, and only a handful understand the dynamics of the courts. A very few law schools have provided a narrow bridge between the professions, especially through continuing legal education. Law school professors, however, tend to concentrate on technical legal issues, avoiding court management. In return, the judges have not often sought help from educators, believing that their problems can only be understood by other judges. This view is obviously short-sighted. Since being a judge is a full-time job, a judge who can also become a skilled educator is a rare animal; nor does the judicial personality necessarily lend itself to educational skill.

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4 Further information, including GPO and NTIS forms, should be requested from the Governor's Highway Safety Representative, who will probably contact the NHTSA Regional Office. Development of curriculum packages is the responsibility of the Manpower Development Division, National Highway Traffic Safety Administration, U.S. Department of Transportation, 400 7th St., S.W., Washington, D.C. It ought to be noted that NHTSA, because of its unfamiliarity with the judiciary, is largely unaware of the significance of its activities in this area.

The range of skills needed is considerable: training in educational design, theory, and practice; skill as a group leader or as a speaker; knowledge of the legal subject-matter, of court structure and procedures, and of the judicial system; understanding of the judicial role and personality. Education in alcohol referral requires further knowledge: of the alcoholism field, its relationship to the courts, and the effectiveness of treatment; of the court support structure, referral methods, paperwork, and personnel. At the NCAE Seminar which originated this study, the judges listed so many instructional desirables that they were only half joking when they demanded, as instructor, "a former alcoholic administrative judge, with charisma, more than fifty miles from home." Alcohol referral can, therefore, make two basic choices as to instructional personnel: it can seek out judges and former judges who can be given the necessary subject-matter and educational expertise, and it can seek to train educators to work with court problems. Neither choice excludes the other. In both cases, special efforts will be necessary to train the trainers.

3. Judicial education is best placed in the hands of an institution with strong ties to the legal profession, including both institutions with nationwide relevance and those with state and community-level import only. It should be formalized, ongoing, and, where possible, mandatory. These are not prescriptions from on high, but simply a description of the characteristics of the most successful present educational programs. Staff should be permanent, especially so that a knowledgeable, trustful, and flexible relationship can be developed. Judicial education should not, however, be left exclusively in the hands of the legal profession.

4. Note should be taken of the American Bar Association's attitude about judicial education, as expressed in the Standards Relating to Court Administration:

> "Judges should maintain and improve their professional competence by regular continuing professional education. Court systems should operate or support judges' participation in training and education, including programs of orientation for new judges and refresher education in developments in the law and in technique in judicial and administrative functions for experienced judges. Where it will result in greater convenience or economy, such programs should be operated jointly by several court systems, or regionally or nationally. Provision should be made to give judges the opportunity to pursue advanced legal education and research."

The accompanying commentary (Standards, pp. 49-50) emphasizes the need for judges to acquire more knowledge of administrative techniques and to implement regular continuing judicial education in every state, for both new and experienced judges.

6.0 SUBJECT-MATTER AND TECHNIQUES

The structure of the courts and the nature of referral systems both require that some elementary points about educational techniques and subject-matter receive emphasis. Since the general subject of "alcohol and the courts" is very large, and since judges and court systems are very diverse, the subject-matter conveyed to various audiences will need careful tailoring--especially if simple evangelism is to be avoided.

The objectives of an educational program determine both its techniques and its subject-matter: what do we want this audience to do as a result of this educational program? The traditional methods for conveying information or raising motivation may be all that is needed in some circumstances--and they may well be the cheaper way. However, to get judges to design and operate a referral system in their local courts is not only a matter of information and motivation but also one of job-planning. This requires better educational materials, greater localization, smaller groups, and more money. The design, development, and evaluation of educational materials and programs costs more than one wants, but past experience shows that if they are not done properly, money spent on cheaper methods will be largely wasted.

Once the different audiences have been defined, and different objectives set for each audience, then the necessary techniques can be chosen. Two excellent examples and discussions of this process appear in papers presented at the National Judicial Educators' Conference (University of Mississippi, April 28--May 1, 1974). The present report avoids repeating their ideas, but it is recommended that they be obtained from the National Center for State Courts.[1] The overall lesson is the need for thorough, professional development of an ongoing program, as contrasted with traditional haphazard "conferences" which have few lasting effects.

In the design of various programs, the cooperation of experienced educational designers should be sought. The existing state and national organizations for judicial education want and need strengthening in this area. Particularly in the case of state-level organizations for continuing legal or judicial education, developmental and follow-up tasks will strengthen the professionalism and credibility of their programs. Further, since the subject-matter of alcohol referral is multidisciplinary, design should be a cooperative or team effort rather than exclusively the prerogative of the legal profession. A neutral educator is therefore desirable for both the design and the operational stages.

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1 Paul M. Li and Glenn E. Coe, "Orientation and Training of New Judges"; Willard M. Bushman, "Planning Conferences for Judges."

A research and publication program should accompany any educational effort in alcohol referral. Our knowledge about alcohol and the courts and about the best procedures for making effective referrals is not highly advanced. In fact, education and research might best be accomplished by means of each other: through the establishment of pilot programs and demonstration projects. The publication of the results of experimental programs is equally important. Many resources are currently being wasted because the most recent information does not move easily from one site to another. Evaluation of both efficiency and effectiveness is also essential; there is no use setting up referral programs at great expense if they accomplish nothing, and there is no use in carrying out education for education's sake. To aim at research, publication, and evaluation also prevents judicial planning for alcohol referral from being regarded as a side-issue or as inessential to the operations of the courts, and it places the judicial education effort in proper perspective, as part of a national priority.

6.1 Subject-matter

The major subject-areas for this educational effort can be readily identified:

1. alcohol abuse and its relationship to the courts. Although much more research is needed in this area, there is already enough substance to be worth communication and to be convincing, though it needs careful presentation.

2. legal and procedural matters relevant to various kinds of alcohol abusers and various kinds of court, including statutes, case law, Uniform Acts, Supreme Court decisions, the proposed confidentiality regulations promulgated in the Federal Register, and the necessary or recommended referral parameters and paperwork. This kind of subject-matter is familiar to judicial educators working with other issues, and because it is "legalistic" it may be the easiest to create. However, it may be less important in overall program terms; for purposes of alcohol identification and screening, judges need less training as triers-of-fact than they do in other areas.

3. system management. Since the judge's power to act as a referral system manager depends on the cooperation of other people in the system not directly under his control, the judge needs education in management, especially in methods of achieving effective system flow and in techniques for achieving and measuring effectiveness. This moves into the areas of court administration and community management or public affairs; particularly, it requires understanding of the very different dynamics of the alcoholism treatment system, and of the procedures by which the courts can assist or impede treatment (e.g., inappropriateness of referral, speed of action, misuse of authority).

Each of the above subject-areas needs emphasis at different times and for different audiences. For instance, the relationship between alcohol abuse and the courts is important at two stages: when starting a referral program, and when undertaking an experimental project. Again, legal and procedural issues require regular review (though without a great

level of effort) as part of the regular training received by judges. Finally, system management will probably be the most complex, localized, experimental, and difficult area, requiring persistent and detailed effort. Everybody at the local level needs "cookbooks" or "how-to-do-it" manuals.

6.2 Audiences

There are three major groups which may receive portions of the total educational effort:

a. the major national-level individuals and organizations capable of making alcohol and the courts a matter of priority concern and of backing that concern with resources and funds. The difficulty in reaching this group is that it is multi-disciplinary; potentially it includes the legal profession, the criminal justice system, the alcoholism profession, the public health establishment, the highway safety experts, and the community managers. The most significant single gain in this area would be the acceptance of court-based alcohol referral as a goal by LEAA, NIAAA, and NHTSA.

b. the major state-level individuals and organizations associated with the courts, including police, prosecutors, administrators, probation officers, the legal and medical professions, and alcoholism organizations. The nature of this group will vary widely from state to state. There are two avenues by which they may be reached: either from a central state-level point, or community by community. Use of both avenues at different times has proven most effective in the case of NHTSA drinking driver programs. The parallel individuals at the local level will ultimately constitute an even more important audience, since they will actually operate the referral programs. In the case of large metropolitan areas, local personnel are more important than the state-level personnel.

c. the judges. As earlier recommended, almost all judges in a state will be an audience for one part of the program or another. The methods by which they are offered information will vary considerably according to the educational objective. For instance, separation between the different levels of the judiciary is usually preferable. Working with judges within the same community as a single group is desirable, but there are benefits to state-wide or regional approaches as well. Mixing with judges from other states is productive at various stages, and some of the education should be out-of-state. The population and resources of the states vary so widely that no single model for referral system education will work in all states. Evidently, the design of materials which are maximally transferable from state to state and from community to community will spread the developmental costs. In sum, tailoring methods to the particular judges at any given time should be a major task for the design of an educational program, and one should not expect to use just one method.

6.3 Techniques

The various technical methods of accomplishing the educational effort can be summarized briefly:

a. Printed materials and speeches. Enough knowledge exists to make current articles and speeches useful and even important. Existing knowledge is not at present readily accessible, and it may require a major effort to bring it together and to disseminate it to those who need it. A report to Congress, a series of research efforts funded by LEAA and/or NIAAA, work by the ABA and/or the AMA are all desirable, both to collect existing information and to create new information. As that information is collected, dissemination will require a deliberate, high-level effort aimed at decision-makers rather than the public, and at all persons interested in judicial education in alcohol referral, to create some degree of national consistency.

Knowledge possessed by judges about why to make and how to make alcohol referrals is not very great. There is a lot of energy and interest in both the limited jurisdiction and the general jurisdiction courts, but verified information, already designed procedures, and model programs exist in some areas without any knowledge about them being conveyed to other areas. The professional journals read by judges are few in number, and the professional meetings which they attend can be readily identified. The careful preparation of speeches and articles would therefore be highly useful.

b. Conferences. The most used method for exchanging information between adults, conferences serve many useful purposes. But in many situations they are only marginally useful, and judicial education has in the past relied on them too much. Section 7.0 of this report recommends several conferences which would be useful for judicial education in alcohol referral, and a summary of those recommendations is apropos here: (1) meetings between various federal agencies with power over funds and national program priorities, to determine the degree to which they should pay cooperative attention to the subject of alcohol and the courts; (2) meetings within and between the national professional organizations (e.g., AMA, ABA) to determine their level of interest in referral programs; (3) a biannual conference on the subject of alcohol and crime; (4) presentation of relevant subject-matter to existing national and state-level conferences of judges, the legal profession, the alcoholism profession, court administrators, etc.; and (5) multi-professional state-level conferences on a one-time basis.

This mixture includes both (a) special conferences when initial motivation and momentum is needed; (b) exploitation of the existing conference structure to identify local and state leadership. A definite strategy should be developed, probably through the use of travelling teams, which will use conferences both for initial motivation, then for the ongoing transfer of information and the implementation of referral programs. The experience of NIAAA in dealing with implementation of the Uniform Alcoholism Act, and the experience of LEAA in implementing the Standards nationwide, both offer the right expertise for developing such a strategy.

Conferences involving a large number of people and using the conventional distinguished speaker format are not useful when it comes to the operation of a referral program at the local level. Seminars (or planning and problem-solving sessions) are more productive.

The content of materials presented at conferences should be carefully designed. Alcoholism is not a popular subject among judges and other likely attendees. Court administration, however, is growing more and more popular. The subject-matter should therefore deal at least as much with how to do it as with why to do it. (It should also be noted that studies of the learning patterns of conferees show that they come away with as much new misinformation as new knowledge.) Materials designed for presentation at conferences should be transferrable from one state to another, with room for local variations suited to local needs.

c. Seminars. Job-planning or problem-solving sessions involving groups up to about 25 or 30 people and lasting over two days are the most effective method for implementing a referral program at the local level, as long as they are sponsored by an agency with management potential. The Seminar models developed by NHTSA to support the ASAP programs (designed by Indiana University, and also adapted by numerous local agencies) have proven their effectiveness of this approach. The major weakness is the need for well-qualified instructional personnel, but even in the absence of such personnel the seminar approach is the only method which allows for the identification and solution of the myriad detailed problems involved in a court-based multi-agency referral system.

The seminar approach has several basic requirements:

(1) Some form of a referral program should be in existence before the Seminar. An original agent should have accepted responsibility for getting the program going, and contacts with members of the system should already have been made. In some circumstances, it is better for a program to have been operational long enough for its problems to begin to appear.

(2) A local agent has to guarantee continuity, so that decisions reached at the Seminar will be implemented. (This is the virtue of the ASAP approach.)

(3) Some local agency has to be willing to provide funds for a multi-agency Seminar, and to undertake its administration.

(4) Clear behavioral objectives should be established.

(5) Full and enduring attendance should be guaranteed.

It should be emphasized that a Seminar is not the same as a small-group meeting. The meeting of a multi-agency small group also has considerable benefits, and any referral program will find such meetings desirable on a regular basis. A Seminar, however, has more formal and precise objectives; prepared materials; a mixture of presentation and discussion; greater requirements for both attendance and commitments to action after the Seminar.

d. Individual learning materials. Learning materials prepared for individuals have very uneven success. They tend to work well where the individual is highly motivated either by himself or by an external reward system. Where imposed on a reluctant learner, they tend to be unsuccessful. One must assume, however, that there are enough self-motivated judges to make the development of individualized materials worthwhile. They should be particularly apposite either for new judges, or for judges participating in training sessions at centers for judicial education.

The California Center for Judicial Education and Research has already experimented with audio cassettes (including a lecture by Judge Saeta on alcohol) and regards them as worth continuing. Video cassettes will prove equally effective when their price drops during the coming years. Booklets such as that prepared by Judge Lyle Truax for the National Council on Alcoholism are popular, but their effectiveness has not been measured. Judges tend to complain that they have to do too much reading as it is.

No experiments have been carried out in this country (to our knowledge) with packaged learning programs of the kind used elsewhere. The effectiveness of programmed self-instruction is high, and the development of a learning program might prove a very effective method for education in alcohol referral, since the subject-matter is (a) factual, and (b) administrative paperwork.

A similar device is the development of the equivalent to an alcohol referral "benchbook," similar in format to the bench books already existing on other subjects but adapted to the needs of a referral system.

In the following Section 7.0, various ways of putting these different techniques to work are discussed, appropriate to the intended audience, subject-matter, and objectives.

7.0 SCHEDULING OF PROGRAMS

In this section, the authors[1] attempt to make clear the scope of the needed educational effort by suggesting a framework and schedule of workable projects. This is not a blueprint, but rather a sample of the kind of efforts necessary if the problems indicated in other sections are to be solved. The section provides examples of

- projects susceptible to immediate action and discernible short-term results
- projects requiring developmental work and greater resources
- long-range programs designed for implementation via permanent structures for court support

The schedule proffered in this section also attempts to respond to the issues of subject-matter, audience, and objectives raised in Section 6.0. Some of the suggested projects, for instance, are motivational; others deal with enlisting the support of all relevant court personnel; others concentrate on research as well as action.

One overriding issue has not been faced: who should have responsibility for undertaking any or all of these programs? In specific instances, suggestions have been made, based on our knowledge of the present expertise and interest of the organizations concerned. The overwhelming problem of which federal government agency should have funding or operational responsibility has been avoided, although the logical responsibilities of NIAAA and LEAA are apparent throughout.

7.1 Phase One: Original Commitments

Based upon the resources sketched out in this study, it is now both feasible and desirable to ascertain the level of interest, the resources, the facilities, and the publications of national organizations now involved in the outlined effort or capable of being involved in it.

For instance, it is obviously desirable that the federal funding agencies decide where their responsibilities and territorial boundaries might lie. For this purpose, a meeting of LEAA, NIAAA, NHTSA, the Federal Bureau of Prisons, and the Office of Education (and/or other agencies) should be a top priority.

It is equally desirable that a second, highly structured meeting take place, consisting of representatives from all national-level organizations capable of making firm commitments. In addition to the federal agencies, the following organizations constitute a preliminary

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1 Most of the work on this Section was done by Mr. Albert B. Logan, Director of the National Institute of Judicial Dynamics, 2607 Connecticut Ave., N.W., Washington, D.C. 20008

invitation list:

American Judges Association
American Judicature Society
American Bar Association (especially the Division of Judicial Administration, the Section of Criminal Law, and Committee of Corrections)
Institute of Judicial Administration
National Center for State Courts
U.S. Conference of Mayors
International Association of City Managers
Volunteers in Probation, Inc.
National Council of State Governments
National College of the State Judiciary
American Academy of Judicial Education
National Council on Alcoholism
Alcohol and Drug Problems Association of North America
Conference of State Court Administrators
Institute for Court Management
California Center for Judicial Education and Research
National Council on Crime and Delinquency
National District Attorneys Association
National College of District Attorneys
American Trial Lawyers Association
American Correctional Association
National Council of Juvenile Court Judges
Citizens Conference on State Legislatures
Education Commission of the States

The best organization to undertake such a meeting--as well as the rather extensive preliminary briefings, planning, and production of materials and agenda--would be the National Center for Alcohol Education and the National Center for State Courts. The objectives of such a meeting would be to identify the extent to which judicial education in alcohol referral is a national priority, to convey information to these agencies as to the reasons for such a nationwide program, and to alert and identify resources for a program of continuing education at the state and local level.

7.2 Phase Two: Introductory Projects

The following projects can be considered for immediate implementation, and for conclusion within a limited period. Their objective is (a) to alert the judicial community to the need for judicial planning for alcohol referral, and (b) to provide the informational support for further efforts.

1. Orientation teams

Feasible within a short period is the creation of a team or teams of experts to be scheduled for limited (e.g., ½ day) appearances at statewide judicial conferences, national meetings of judicial organizations, and other meetings of judges. The teams' objective would be to arouse motivation, convey information, and, perhaps most important, discover local

leadership for full-scale later educational programs. The members of such a team should preferably have stature, certainly have expertise, and necessarily be available at random periods during a year. The team should have expertise in different fields, e.g., a physician, a judge, a recovered alcoholic, an alcoholism specialist, an alcohol referral specialist, a court executive. The team, however, would have to be willing to work as a group, following a basic format so that nationwide standardization would be possible. The team or teams would therefore need support from an organization capable of providing both subject-matter expertise and administrative support (preferrably in the form of a staff director). The issuing of a contract by a federal agency seems the best method for conducting such a project. Any such project would be well advised to work in close conjunction with existing judicial education organizations.

2. Regional or State Seminars

The influence of top state-level judges and court administrators may be crucial in determining the success of an eventual judicial education program, which will ultimately rest on state priorities and funds. It is therefore recommended that a specific project aim at these individuals at a fairly early stage. If the eventual education program is aimed at the improvement of court administration, it can be tailored to fit into the existing plans of presiding judges and state court administrators instead of being an extraneous or additional issue.

The agenda of such a state or regional seminar would cover the basic problem and the existing solutions, the proposed educational program and materials, and the role which presiding judges and administrators could perform. As output, the Seminar should produce both leadership at the state level and a mass of information about the present operation of the courts in each state.

At this stage it cannot be determined whether a single national meeting, several regional seminars, or many state seminars would be more effective. Again, the advice of existing judicial education organizations should be sought. Faculty and agenda would require careful development, since the subject-matter would need to be highly responsive to the needs of the participants. A combination of lecture and problem-solving planning sessions would seem appropriate, so that the development of materials would not be expensive. However, it is again recommended that issuance of a contract for full administrative support and faculty participation is the best method of proceeding.

A similar series of Seminars, with a parallel agenda, may be very appropriate for state-level agencies providing services to support the courts, especially probation services, and for state alcoholism authorities. In many states, state agencies start and operate referral systems without waiting for the judges to take the initiative. In areas where judges have taken the initiative, they must always depend on support personnel to provide them with referral, monitoring, and evaluation services. The role of probation and pre-sentence officers is very

important, especially with the problem drinking population. Probation personnel tend to be no more knowledgeable about alcoholism and referral than do judges, yet the effectiveness of a referral program is in their hands.

While a national-level meeting might be considered, state and even local meetings would be far more appropriate; states and communities differ hugely in the number of resources and in the regulations under which their pre-sentence/probation staff operate. In the case of this project, therefore, it is recommended that a pilot project be undertaken, working with personnel from selected states to measure the potential impact of such a program before undertaking the expense of nationwide efforts. Further, the development of materials (with an orientation team) for insertion in existing statewide annual meetings may prove cost-effective. Some operational program should be commenced early, however, since the judges cannot realistically be expected to carry the entire burden of setting up referral programs alone.

3. Publications

As mentioned in Section 6.0, there is a definite need for publications in the area of alcohol and the courts. Very few factual materials exist already. The following undertakings could be commenced very quickly, and completed within a reasonable time.

a. A state-of-the-art survey. Existing information on alcohol and crime, on alcohol and the courts, and on court-based referral programs has never been screened, summarized, or assembled. No complete bibliography on alcohol and crime exists. A research contract to produce a state-of-the-art survey would be cost-effective since the absence of such a survey would cause a constant drain on the educational programs.

b. "Curriculum" development. Without any elaborate effort, all ongoing educational programs should be supported by printed materials outlining basic facts, statistics, resources, and concepts for the use of instructional teams. At present, both misinformation and hobbyism are widespread, and they should obviously be avoided. A small-scale attempt to summarize the best available should therefore be undertaken, again by research contract.

c. New articles and speeches. Out of the preceding efforts, materials for new publications within professional journals should be easily generated, either by the research contractors or by the orientation teams or by both. Existing professional journals read by the judiciary and court personnel are few but widely read. Articles published in them are often used by judges making speeches. Maximum educational impact could therefore be achieved at minimal cost. However, it may prove advisable to support this publication effort with a professional writer (perhaps attached to the staff of the orientation teams).

4. Task Force

At an early stage in the process, a group should be appointed to

address itself to the problems of the multidisciplinary nature of all projects, i.e., someone should be assigned the responsibility for monitoring and coordinating. Because of the newness of the subject-matter, the role of this group should be more aggressive than that of a committee, and for that reason the appointment of a Task Force is recommended.

The Task Force would have the following responsibilities:

a. to accumulate and organize the mass of information revealed during Phase Two projects, especially within the individual states.

b. to coordinate activities and to provide information, especially to the judiciary.

c. to interest professional educators in the field.

d. to identify prospective members of orientation teams or leading judges within each state who will accept responsibility for Phase Three activities.

e. to check authorized or appropriated funds and determine whether they can be or are being used for judicial planning for alcohol referral.

f. to routinize information about the nature, schedule, and location of ongoing judicial meetings state by state.

g. to study developments in current other efforts at judicial education, especially at the state level.

h. to assist each state determine its priorities for the presentation of the various kinds of subject-matter.

In sum the Task Force will have responsibility for operating as the link between the national-level agencies (both governmental and other) and the state-level educational efforts, between the various agencies and organizations representing the judiciary and the alcoholism profession, to coordinate from an independent position the efforts of all agencies, and most importantly to ensure the movement from the national-level effort of Phase Two to the local-level effort of Phase Three. The Task Force would accept the responsibility which has so far not been accepted by any one national-level group.

The exact nature of the Task Force cannot yet be determined. It should primarily be the responsibility of judges themselves, but it should be also multidisciplinary. It should include representatives of the leading judicial educators (such as NCSJ and AAJE). It should be attached to an organization with extensive contacts at the state and local level, yet it should also have good contacts in Washington, D.C. Among possible candidates for sponsorship of the Task Force are the ABA, the National Center for State Courts, the Alcohol and Drug Problems Association, the American Judicature Society, and the Council of State and Territorial Alcoholism Authorities.

5. Support for existing activities

With the amount of energy and interest already apparent among the judiciary, and with some materials already developed, the continued use of those materials should be actively encouraged by both dissemination and funding. Present efforts of such organizations as the NCSJ, AAJE, and ABA, as well as local and state programs, should be supported. Existing materials, such as those developed by Indiana University for NHTSA, should be disseminated. The repeated pattern has been that local initiative has lost its momentum because of lack of financial support and even despite success. The role of the regional and state offices of the federal funding agencies should be examined, to determine whether they can encourage communities to give priority to adapting and expanding what already exists.

7.3 Phase Three: State-Level Implementation

After the introductory projects have developed a sufficient momentum and body of information, transfer to the state level is essential, even though the program will then encounter all the usual problems of nationwide professional education. Several avenues exist for that transfer.

1. Through the existing nationwide judicial education institutions, notably the National College of the State Judiciary and the American Academy of Judicial Education. Proposals for such projects should be written by these organizations and given priority attention by the funding agencies.

2. Through the state-level court structure discussed earlier (the chief judges, court administrators, and probation agencies) and especially their training agents.

3. Through the state-level alcoholism training programs--if they specialize in court programs rather than simply inviting judges to attend their regular programs.

4. Through the state alcoholism authorities and/or the CSTAA and/or the AAETPs.

5. Through pilot and demonstration projects initiated by LEAA, NIAAA, and NHTSA and won by competitive bidding responses to RFPs. These would be particularly important for the design of curricula, especially if they attract the skills of the various educational research organizations, and they may therefore turn out to be the most important single element in winning educational expertise to the field of judicial education.

6. Through the distribution of materials (printed, tape, visual) via local-based non-profit organizations.

Most of these methods are usual. Most of the organizations are accustomed to the kind of effort required. Essential, however, is some centralized initiative (a) within the judiciary; (b) from the Task Force; and (c) from the federal agencies which fund demonstration projects or

coordinating activities. None of these activities will get off the ground unless the federal government indicates a national priority for the programs.

By Phase Three, therefore, it is essential that the major federal funding agencies, especially NIAAA, NHTSA, and LEAA make real efforts to identify alcohol referral planning as a matter in which they are actively interested. (Within each of these agencies, the internal divisions already exist for such initiatives.)

In this Phase, policy guidelines will also have to be commenced. For example, which kinds of courts need the assistance most? what are the restrictions on alcohol referral procedures guarding both rights and confidentiality for the individual? In this Phase, practical questions will need real answers: do DWI schools work for what kind of population? is a court appearance desirable for a public inebriate? does coerced referral have better associated costs than a volunteer project?

Phase Three, therefore, will need accompaniment by a research program which heavily emphasizes evaluation of both efficiency and effectiveness. Evaluation is so important that it could reasonably be included in Phase Two. The brute fact, however, is that evaluation cannot take place until the programs handle sufficient numbers of people over a sufficient period of time to make it meaningful. (The NHTSA experience since 1970 with evaluating its drinking driver referral programs is in this respect an invaluable guide.) Equally, there is no sense in introducing massive referral programs nationwide if they are inappropriate, ineffective, or poorly run. By Phase Three, we will be dealing with what amounts to a new treatment modality for alcoholism, as well as a new role for the courts, and the potential impact on the nation's alcohol problem will by that time require meticulous attention.

7.4 Phase Four: Continuing Education

At this point of time, there is every evidence that we are talking about a permanent element in judicial education and planning. First, the turnover among judges is high enough to require constant, if intermittent, training. Second, our ideas about alcoholism treatment are changing very rapidly and its relationship to the courts will need constant restudy. Because the transfer of information between the courts and the alcoholism profession is so slow, the courts are in danger of using discredited or invalid approaches. (For instance, in July 1974, the Phoenix courts changed their famous method for running DWI Schools, evaluated as only marginally effective for the types of drinking driver being referred; at the same time, the Phoenix method is being adopted for the first time in more than 20 states which believe that the program's early success continued.)

The following avenues for continuing education can be identified:

1. Local and state coordination conferences. Regular conferences between the judiciary and all other components of the referral system need to be encouraged, to pool the most recent information from both the legal field and the alcoholism field. These conferences should include

representatives of all elements of the criminal justice system (police, corrections personnel, prosecutors, defense attorneys, probation officers, court administrators), of all the local referral and treatment agencies, and of the state agencies or federaly-funded agencies concerned with continued operations in their field. In addition to the constant updating of information, these conferences would serve to solve the problems constantly arising in referral systems: definition of roles, points and methods of contact, monitoring, evaluation, financial obligations and needs, allocation of personnel, responses to changing population, etc. It should be repeated yet again that a referral program is a local operation, or at very furthest a state operation, and that early and repeated coordination between these agencies is essential.

2. National Conferences. Because of the changing nature of information in this field, a bi-annual national conference would be productive as long as it was kept small and highly specialized, and as long as it resulted in new materials which could be immediately disseminated through existing national structures to the operational personnel. This may be a suitable function for the sponsorship of the Task Force.

3. Advanced Annual State-level Seminars. Stemming from the conference, and working now through the existing state-level judicial structure, advanced seminars for those judges and other personnel most concerned with the problems of alcohol referral systems could become institutionalized. Similar seminars in other subject-matter are already becoming a regular practice in more advanced states, and there is every indication that they will become more popular.

4. Materials for Individual Judges. The updating of basic materials on a regular basis, provided as individual curriculum packages through the state judicial education organizations, would be thoroughly desirable. It would respond to the problems of both changing information and new judges.

5. Creation of a Bench Book. With bench books becoming so popular, it would be feasible to create a variation of that pattern to deal with alcohol referral systems. Creation of that bench book, and revisions of it, would need to be the joint responsibility of an independent national organization and the state authorities.

6. Continuation of the Orientation Teams. Useful for regular appearances at state or local or national judicial meetings as required, the orientation teams would again serve to keep the local judges informed as to the latest developments. Control from a central point would be essential in order to keep the orientation team members current and interesting. These teams could operate also with meetings of all types of criminal justice system and treatment personnel, operating at such times as spokesmen for increasing understanding of the judiciary.

7. University Programs. As the concept of continuing legal education grows, introduction of advanced materials into the regular curricula of such programs would influence the entire legal profession as well as the judiciary. Finally, the exploration of introducing these concepts and methods into regular law school programs should be considered--if the law schools continue to broaden the scope of their curricula, as is the present trend.

8.0 FUNDING SOURCES FOR LOCAL AND NATIONAL PROGRAMS

The purpose of this section is to describe possible sources for funding judicial education in alcohol referral. Some efforts to find funds fail either because people are not aware of existing funding opportunities, or because the lines of responsibility between federal and state agencies are unclear. Until the last decade, national-level funding for state and local court activities was pathetically small, and it is still too small to meet the needs. Funding for judicial education has occupied a small proportion of the larger sum, although now LEAA has made a substantial and solid commitment. Funding for judicial education in alcohol referral has been miniscule. The only federal-level effort has come from NHTSA, and that has been neither substantial nor permanent. Outside the federal agencies, the ABA, various judicial organizations, and several foundations have made efforts at judicial education, often including mention of alcohol. The sums spent and the audience reached have been small.

The situation at the local level is curious. Even when a judge wants an education program specially for his locality, he probably will not know where to get the curriculum, or the funds, and he will almost certainly not want to conduct the program himself. Though LEAA offers support for innovative court projects through the state planning agencies, few judges utilize them. Alcohol treatment agencies do not usually know that LEAA funds exist and hesitate to motivate and assist the judges to apply for them. Funds from other federal agencies almost never go to the courts, and local communities regard the courts more as revenue-gatherers than as community institutions.

This section attempts to bridge the gap between local and national knowledge. It does not pretend to be complete.

8.1 Private Sector Sources

Depending on the amount needed and the nature of the project, funds might be put together from a variety of private sector sources on either a one-time or annual basis. This applies particularly to support for conferences or seminars of benefit to the community at large. The best use of such funds is the purchase of a combination of local and outside expertise (e.g., existing curriculum packages).

1. Industry and labor organizations. With the recent spread of industrial alcoholism programs and occupational safety programs, business and labor are increasingly aware of the costs to them of alcohol addiction. In some communities, support has come from an individual industry; normally, however, a group of contributors must be assembled. The potential of the distilling and brewing industries and of pharmaceutical companies has not been fully explored at either the local or the national level.

2. Insurance companies. The benefits to insurance companies of programs which can reduce alcoholism are well known to them already,

and some insurance companies (e.g., State Farm's drinking driver campaigns) have already contributed funds and efforts. Normally, contact should be made with headquarters staff.

3. Private Foundations. Support for judicial and alcoholism identification or referral is not in the tradition of most foundations--again with some notable exceptions. There is evidence that this attitude is changing, with more foundation support coming to both fields separately. All foundations pay close attention to the use of government versus private funds. For a local effort, contact should generally be made with a foundation whose efforts are concentrated in the specific community area. For larger efforts, attention should be paid to operational and experimental programs rather than to a one-shot effort.

Not every foundation is interested in every aspect of most of the programs suggested in this study; again, one encounters the difficulty of bridging the criminal justice system and the alcoholism treatment system. No analysis has been made of the objectives, policies, and previous grant histories of each foundation in this area--an activity that should be undertaken.[1]

Such an analysis was not possible within the framework of the present study, but following is a list of foundations which appear to consider support for programs in this subject-area on either a national or a local basis. The list was compiled by reference to (a) prior grant history; (b) general statements of purpose; (c) contacts for previous applications; and (d) data supplied by persons and organizations in the fields of alcoholism and drug abuse. Its accuracy cannot by any means be guaranteed.

Various organizations provide information about foundation sources: for example, The Foundation Center, 1001 Connecticut Avenue, N.W., Washington, D.C.; The Grantsmanship Center, 1015 West Olympic Boulevard Los Angeles, California 90015; Academic Media, Inc., 10835 Santa Monica Boulevard, Los Angeles, California 90025; Foundation News (includes Foundation Grants Index), P.O. Box 783, Old Chelsea Station, New York, New York, 10011.

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1 For example, see Law and Justice, a report on the Ford Foundation programs in law, the administration of justice, law enforcement, and legal education. (Office of Reports, Ford Foundation, 320 E. 43rd St., New York, New York, 10017).

Potential Foundation Sources for Support of Judicial Education in Field of Chemical Addictions

Boettcher Foundation
818 Seventeenth Street
Denver, Colorado 80202
Att: Chris Dobbins

El Pomar Foundation
P.O. Box 158
Colorado Springs, Colorado 80301
Att: Russell T. Tutt

Gates Foundation
999 South Broadway
Denver, Colorado 80217
Att: Charles C. Gates, Jr.

Arthur E. Johnson Foundation
1700 Broadway - Room 2301
Denver, Colorado 80202
Att: Philip B. Gilliam

Midwest Oil Foundation
1700 Broadway
Denver, Colorado 80202
Att: Jack Haraway

Mullen Benevolent Corporation
First National Bank Bldg.
Denver, Colorado 80202

Lawrence Phipps Foundation
821 Seventeenth St. - Suite 812
Denver, Colorado 80202
Att: Joseph Coors

Schwayder, Inc.
1050 South Broadway
Denver, Colorado 80209
Att: Emmet Heitler

Ella Mullen Weckbaugh Benevolent Corp.
2021 First National Bank Building
Denver, Colorado 80202
Att: J. Kernan Weckbaugh

Norgren (Carl A.) Foundation
5400 South Delaware Street
Littleton, Colorado 80120
Att: Leigh H. Norgren

Thatcher Foundation, The
P.O. Box156
Pueblo, Colorado 81002
Att: Frederick M. Farrar

Falk (Maurice) Medical Fund
3311 Grant Building
Pittsburgh, Pennsylvania 19119

Fels (Samuel S.) Fund
Two Penn Center Plaza
Philadelphia, Pa. 19102

Carnegie Institution of Washington
1530 P Street, N.W.
Washington, D.C. 20005

Fleischmann (Max C.) Foundation of Nevada
P.O. Box 1871
195 South Sierra Street
Reno, Nevada 89501

Astor (The Vincent) Foundation
405 Park Avenue
New York, New York 10022
Att: Allan W. Betts, President

The Burroughs Wellcome Fund
One Scarsdale Road
Tuckahoe 7, New York 10707

The Commonwealth Fund
One East 75th Street
New York, N.Y. 10021
Att: Hon. Quigg Newton

Levy (The Joseph and Helen Yeamans) Foundation
C/o Selig J. Levitan
630 Fifth Avenue
New York, New York 10020

Medical Foundation of Buffalo, Incorporated
73 High Street
Buffalo, New York 14203

Rockefeller Brothers Fund
30 Rockefeller Plaza
New York, New York 10020

The Rockefeller Foundation
111 West 50th Street
New York, New York 10020

Whitehall Foundation, Inc.
20 Exchange Place
New York, New York 10005

Blakley-Braniff Foundation
P.O. Box 35212
Exchange Park
Dallas 35, Texas 75235

Adler Foundation, Inc.
C/o Morton M. Adler
Purchase Lane
Rye, New York 10580

Ingals (Elizabeth and Barbara) Foundation
620 Fourth Avenue, South
Birmingham 1, Alabama 35205

The Ingalls Foundation, Incorporated
Exchange Security Bank Bldg.
Birmingham 3, Alabama 35201

Meyer (Robert R.) Foundation
C/o First National Bank of Birmingham
Birmingham 2, Alabama 35203

Claremont Medical Research Foundation, Inc.
370 West Third Street
Claremont, California 91711

Hearst (William Randolph) Foundation
Hearst Building
San Francisco, California 94103

The Kaiser Foundation
300 Lakeside Drive
Oakland 12, California 94612

Kaiser (The Henry J.) Family Foundation
Kaiser Building
Oakland 12, California 94612

The Duke-Lab Foundation, Inc.
Duke Plaza
South Norwalk, Connecticut 06854

Penney (James C.) Foundation, Inc.
330 West 34th Street
New York, New York 10001

The Duke Endowment
30 Rockefeller Plaza
New York, New York 10020

Rogoff Foundation
Belle Island
Rowaton, Conn. 06853

Kemper (The James S.) Foundation
Mutual Insurance Building
Chicago, Illinois 60640
Att: James D. Kemper, Jr.

The Lahey Foundation
605 Commonwealth Avenue
Boston 15, Massachusetts 02215

The Kresge Foundation
2727 Second Avenue
Detroit 32, Michigan 48201

Hill (Louis W. and Maud) Family Foundation
W-500 First National Bank Building
St. Paul 1, Minnesota 55101
Att: A.A. Heckman

Butler (Patrick) Family Foundation
370 Summit Avenue
St. Paul 2, Minnesota 55102
Att: Patrick Butler, Jr.

Baruch (Dr. Simon) Foundation, Inc.
72 Wall Street
New York, New York 10005

Field Foundation, Inc., The
250 Park Avenue
New York, New York 10017

Guggenheim (John Simon) Memorial Foundation
551 Fifth Avenue
New York, New York 10017

Hartford (The John A.) Foundation, Inc.
405 Lexington Avenue, Suite 5115
New York, New York 10017

Lasdon Foundation, Inc.
Cross County Medical Center
Six Xavier Drive
Yonkers 2, New York 10704

Macy (Josiah) Jr., Foundation
16 West 46th Street
New York, New York 10026

Markle (The John and Mary R.)
Foundation
522 Fifth Avenue
New York, New York 10036

Pfeiffer (Gustavus and Louise)
Research Foundation
20 Broad Street
New York, New York 10005

Babcock (Mary Reynolds) Foundation,
Incorporated
Reynolds Village
Winston-Salem, North Carolina 27609
Att: A. Hollis Edens

The Bremer Foundation
708-9 Union National Bank Bldg.
Youngstown 3, Ohio 44503

Mabee (The J.E. and L.E.) Foundation, Inc.
1016 First National Bank Bldg.
Tulsa 3, Okla. 74103

Independence Foundation
2500 Philadelphia Nat. Bank Bldg.
Philadelphia, Pa. 19107

Clayton Foundation for Research
706 Bank of the Southwest Bldg.
Houston 2, Texas 77002

Forest Park Foundation
600 Commercial Bank Building
Peoria, Illinois 61602

Merrill Lynch, Pierce, Fenner & Smith
Foundation, Inc.
70 Pine Street
New York, New York 10005

Merritt-Chapman & Scott Foundation, Inc.
261 Madison Avenue
New York, New York 10016

Millbank Memorial Fund
40 Wall Street
New York, New York 10005
Att: Alexander Robertson, M.D.

Kellogg (W.K.) Foundation
250 Champton Street
Battle Creek, Michigan 49017
Att: Medicine and Public
Health Division

Standard Oil Foundation, Inc.
910 South Michigan Avenue
Chicago, Illinois 60680

The Ford Foundation
477 Madison Avenue
New York, New York 10022

The Ford Motor Company Fund
The American Road
Dearborn, Michigan 48127
Att: William T. Gossett

Chrysler Corporation Fund
341 Massachusetts Avenue
Detroit 31, Michigan 48203
Att: E. A. Lapp

The Robert Wood Johnson Foundation
142 Livingston Avenue
New Brunswick, New Jersey 08902
Att: Miss Olga Ferretti
Administrative Secretary

Battell Memorial Institute
505 King Ave.
Columbus, Ohio 43201

The Fluor Foundation
P.O. Box 2030
East Los Angeles Branch
2500 South Atlantic Blvd.
Los Angeles, California 90222
Att: Mr. Thomas P. Pike

J. P. Routh Foundation, Inc.
4512 Pan Am Building
200 Park Avenue
New York, New York 10017
Att: Mr. J. P. Routh

Foundation's Fund for Research
in Psychiatry
100 York Street
New Haven, Conn. 06511

Jannie E. Rippel Foundation
570 Broad Street
Newark, New Jersey 07102
Att: Herbert C. Englert

W. Clement and Jessie V. Stone
Foundation
2720 Prudential Plaza
Chicago, Illinois 60601
Att: W. R. Arrington

Sandoz Foundation
608 Fifth Avenue
New York, New York 10020

The Grant Foundation (Incorporated)
130 East 59th Street
New York, New York 10022
Att: Philip Sapir

van Ameringen Foundation, Inc.
509 Madison Avenue
New York, New York 10022
Att: Mr. Hod Gray

Frances G. Wickes Foundation, Inc.
One Chase Manhattan Plaza
New York, New York 10005
Att: Miss Anne Phalon

Gebbie Foundation, Inc.
Hotel Jamestown Bldg. - Room 308
Jamestown, New York 14701

Albert and Mary Lasker Foundation, Inc.
866 United Nations Plaza
New York, New York 10017

Drug Abuse Council
1828 L Street, N.W.
Washington, D.C. 20036

8.2 Public Sector Sources

Four kinds of federal government agencies are easily identifiable as potential funding sources: those concerned with the criminal justice system, especially with assisting courts and with diverting victimless crimes from the criminal justice system; those concerned with the prevention and treatment of alcohol problems; those concerned with highway safety; and those dealing with education at the local level, particularly with adult and professional education.

1. National Institute on Alcohol Abuse and Alcoholism. NIAAA is located within the Alcohol, Drugs, and Mental Health Administration of the U.S. Department of Health, Education, and Welfare. Started in 1971, and with a current annual budget of $145,000,000, NIAAA represents a new, major commitment from the federal Government. Within NIAAA there exist both a Criminal Justice Program, which is barely active due to staffing shortages, and a Training Division which rules on applications for both grants and contracts. From 1973 until the present, NIAAA has also contracted for a National Center for Alcohol Education, with an annual budget of approximately $2,000,000. (At the time of writing, the budget and scope of NCAE are in doubt.)

Two other elements of NIAAA are also of interest. Newly created in 1974 are the four Area Alcoholism Education and Training Programs (AAETPs). These represent a move by NIAAA to coordinate national activities with local needs. Each AAETP "represents a consortium of treatment and training agencies and organizations, and will provide limited funds for the enrichment and expansion of education and training based on objectives established according to areawide needs and priorities." Each has so far been funded for 18 months, from July 1, 1974 to December 31, 1975, each with a budget of $875,000. Judicial education has not yet emerged in any area as a priority, and other training needs will certainly seem more urgent, but once the AAETPs have developed some stability and policies, they should provide an interesting avenue for both information and operations. Also of interest is the newly created Council of State and Territorial Alcoholism Authorities, established with NIAAA funds and headquartered in Washington. CSTAA will also provide an important link between the federal and state agencies. In the case of both these units, indications of interest in judicial education by a community or state will be taken as a legitimate expression of a need.[2]

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2 East AAETP (H.E.W. Regions 1, 2, and 3), Box 512, Bloomfield, Conn. 06002
Midwest AAETP (H.E.W. Regions 5 and 7), 180 N. Michigan Avenue, Chicago, Illinois 60601.
West AAETP (H.E.W. Regions 8,9, and 10), 128 Terminal Way, Suite 120, Reno, Nevada 89502.
South AAETP (H.E.W. Regions 4 and 6), 776 B Juniper Street, N.E., Atlanta, Georgia 30309.

NIAAA has funded no work with judges, though the staff and the Advisory Council are by no means averse to the idea. Two developments seem probable during the next few years: (a) NIAAA will begin to work more closely with elements of the criminal justice system, especially in alcohol referral systems; (b) NIAAA will be more open to proposals to develop and demonstrate model curricula and methodologies than to funding operational projects at the state or local level. The priorities for operation of the AAETPs will be determined locally by each Board of Directors.

NIAAA exists under P.L. 91-616 as amended by P.L. 93-282. Section 301 governs formula grants to states, and Section 311 covers project grants. Information is available either through the State Alcoholism Authority, the Regional Office of Health, Education, and Welfare, or, better, directly from NIAAA.[3]

2. National Institute on Drug Abuse. The confusion between alcohol and drug programs present at the community level is reflected in the federal structure. Located like NIAAA under ADAMHA at HEW, the National Institute on Drug Abuse (NIDA) does not have responsibility for alcohol programs. Because of the nature of judicial education in alcohol referral, because the patterns of referral system and the treatment agencies are often the same, NIDA might be convinced to fund efforts which deal with both problems. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) provides for the following (all dollar sums indicate the amounts authorized, not appropriated, for FY 75): (1) Formula grants ($45,000,000 for distribution in accordance with state plans); (2) Special project grants and contract ($160,000,000 for prevention, treatment, rehabilitation, including counseling, education, and other services for addicts); (3) Community mental health centers ($60,000,000); (4) Special fund for federal agencies ($40,000,000); (5) Research and development ($30,000,000); and (6) Technical assistance to state and local agencies.

3. Office of Education. Under the Alcohol and Drug Abuse Education Act Amendments of 1974 (P.L. 93-422), the Office of Education was authorized in 1974 to operate in the field of alcohol education, particularly at the elementary and secondary school level. At the time of writing, no decisions had been made by the Office that would rule out judicial education. However, on November 20, 1974, the Senate voted not to appropriate any funds under this Act. The issue will be reviewed in the present Congress.

4. Law Enforcement Assistance Administration. Situated within the Department of Justice, LEAA was created as a result of the Omnibus

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3 For general project grants regarding prevention, treatment, research and training, contact Office of the Director, NIAAA, 5600 Fishers Lane, Rockville, Md., 20852. NIAAA can provide a listing of the state alcoholism authority directors and of the regional representatives.

Crime Control and Safe Streets Act of 1968 (P.L. 90-351) as amended in 1973 (P.L. 93-83). With an authorized total appropriation of $1,000,000,000 for FY 1975, LEAA provides numerous opportunities for funding judicial education in alcohol referral:

(1) Section 202 governs the block grants to State Planning Agencies. This is the main source for local efforts, following the proposal process through the state agency. As a result of local initiative, LEAA funds in a very few cases have already supported judicial planning for alcohol referral. The decision rests with the state agency, and in most state agencies there is a growing acceptance of any effort to support the functioning of the court system. About 85% of LEAA funds go through the State Planning Agencies.

(2) Section 402 establishes the National Institute for Law Enforcement and Criminal Justice with power to make project grants to public and private organizations. Section 403 authorizes project grants to institutions of higher education. Dealing with model projects or national-level programs, discussions about proposals should be undertaken directly with NILECJ.

(3) Sections 451 and 452 provide grants to state or local agencies for correctional institutions and facilities, including alcohol referral.

(4) As a result of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415, Sec. 201), LEAA established the Juvenile Justice and Delinquency Prevention Office with authority for the following funding:

a. Formula grants (Sec. 221) to states and local governments pursuant to State Plans. (Sec. 223).

b. For Special Emphasis Prevention and Treatment Programs, Sec. 224 provides grants to public and private organizations and individuals.

c. Sec. 241 establishes the National Institute for Juvenile Justice and Delinquency Prevention with authority to "enter into contracts with public or private agencies, organizations, or individuals for the part performance of any function of the Institute."

Although any mention of judicial education tends to evoke an immediate response in LEAA directing attention to the existing LEAA-funded institutions, that response is not meant to be exclusive or negative. With LEAA increasingly alert to the needs of the judiciary and the problem of alcohol, there are many avenues toward funds for judicial education in alcohol referral, especially as a result of local or state-level initiative. Apparently, most of these avenues are

unused only because no one has explored them.[4]

During CY 1975, LEAA is spending $1.2 million on existing agents for judicial education, and further amounts for a few projects through the State Planning Agencies. The Crime Control Act of 1973 gave NILECJ additional responsibilities for assisting training programs, particularly in the developmental stage. It also called for NILECJ to conduct a detailed survey of criminal justice manpower needs and to develop guidelines for LEAA education, training, and manpower programs. (The manpower needs study is under contract to the National Planning Association.) Finally, the Act introduced two important influences on the State plans, which now must include programs for the improvement of juvenile justice, and for the development of narcotic and alcoholism treatment programs in corrections institutions. All these are important new opportunities for the funding of judicial planning for referral systems.

The main problem with LEAA seems to be the agency's lack of interest in alcoholism visible in its publications, and in turn reflecting the failure of the criminal justice system to regard alcohol seriously as a possible area of responsibility. However, LEAA is thoroughly accustomed to novel grants and contracts, and open-minded about their subject-matter. As the agency accepts more responsibility for helping the courts, proposals for alcohol referral systems may be recognized as beneficial in purely criminal justice terms. It seems likely that various judicial organizations will continue to bring the subject to LEAA's attention.

5. National Highway Traffic Safety Administration. As disburser of the Alcohol Safety Action Project funds, NHTSA (within the Department of Transportation) is indirectly involved in judicial education through its emphasis on alcohol and highway safety as a result of the Highway Safety Act of 1966 (P.L. 89-564) as amended. Sec. 403 has allowed the creation of educational curricula and activities to support the Alcohol Safety Action Projects as demonstration projects. The model curricula are still available for initiating ASAPs under state or local auspices, funded under Sec. 402. This Section apportions matching funds by formula to the states through the Governors' Highway Safety Representatives, the State Comprehensive Plans, and the annual State Programs. NHTSA itself, however, does not fund individual local education directly, and its work with judges will now decline substantially. It is also very

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4 For programs at LEAA, the contacts are as follows:

a. for action and training programs, Mr. James Swain, Court Program, Office of National Priority Programs, LEAA, 633 Indiana Avenue, N.W., Room 1104, Washington, D.C.

b. for research programs, Ms. Cheryl Martorama, Courts Division, Office of Research Programs, Room 813, same address.

For the address of the designated State Planning Agency, contact the Office of Regional Operations at LEAA. See also the important document listed as an addendum to the bibliography, p. 75.

difficult to change NHTSA's priorities, since they work by announcing projects and soliciting proposals based on plans laid far in advance. As far as Sec. 403 funds are concerned, in sum, the "demonstration" judicial education effort is finished. However, because of Sec. 402 funds, some Governor's Representatives should be susceptible to strong local-level requests for the inclusion of judicial education about drinking drivers in their annual plans.

6. Department of Defense. All branches of the military now have active programs for the development of alcoholism diagnosis and treatment, including ASAPs. The Department is currently contracting for world-wide surveys of existing training and treatment resources in alcohol and drug abuse. It is conceivable that the Department, or individual services, may need to explore the legal ramifications of these programs, particularly as applicable to the Military Justice system. Individual military installations are currently discovering the need to develop liaison with civilian agencies in adjacent areas, both to handle referrals, and to cope equitably with public drunkenness and drinking driving cases. The Department is making use of existing civilian training programs for its personnel, and it is also developing its own training materials, which, it seems likely, will be of high quality. Information about liaison with military personnel is best sought at the local level.

8.3 Summary Recommendations

The ways to acquire federal funds vary considerably. For local units, the most accessible funds are those disbursed to the states under block grants, especially in the case of LEAA. Access is more likely if several communities band together through state-level professional organizations or departments to develop a statewide program. Local units are unlikely to receive direct federal funding, especially without state or regional assistance. The following exceptions are possible: demonstration projects; research projects; cooperation with competitive-bid contracts or grants. In all cases, the cooperation of state-level disbursing agencies should be sought. There is evidence that their funds are not being used for judicial education largely because no one has explored the various possibilities and taken the initiative, rather than because the state-level agencies are reluctant. To sum up, the funding effort most likely to succeed will develop from a local level, through state-level organizations, toward the state or regional divisions of the national funding sources.

On the other hand, comprehensive, national-level programs require direct national-level funding. Local agencies can rarely develop the resources necessary for the highest quality of program, and the local judiciary is not self-starting (despite prominent exceptions). Local programs reinvent the wheel, poorly. Once developed, they rarely spread to other local jurisdictions. Federal funds are wisely used to create high-quality resources, to stimulate local energy, and to provide funds for local personnel to use nationally-developed curricula. Federal agencies would be well-advised to develop systematic plans for judicial education in alcohol referral, emphasizing on the one hand initiation, and on the other ease and permanence of access for local personnel.

Though there have been notable exceptions, state and local governments cannot generally provide funds for the initiation of most of the projects suggested in this study. For the continuation of projects, however, state and local funds should be committed as a matter of routine budgeting, since the principal benefits flow to the local units. Assistance should come from:

a. governmental agencies concerned with public health, mental health, alcoholism, social services, medical and hospital treatment, and with educational activities.

b. government agencies concerned with improvement of state and local justice systems, especially those budgeting for the courts, law enforcement, or any portion of the corrections system.

c. specific appropriations of public funds authorized by state legislatures or municipal government (as several states have managed by restructuring liquor taxes).[5]

In addition to dollar support, various community agencies may provide incentive, support, and use of their resources, since judicial planning for alcohol referral fits into their objectives; e.g., National Council on Alcoholism or Alcohol and Drug Problems Association affiliates; Volunteers in Probation, Inc.; the Jaycees; local Bar Associations and Medical Associations; universities and community colleges, especially those with continuing education programs. No general rules apply to the level of interest or capabilities of these agencies, except the strong recommendation to contact them early and keep them informed.

One observation about the judiciary needs to be made, emphasized, and repeated: as a profession, the record of past performance suggests that the judiciary is incompetent at getting funds, either from state legislatures or from federal agencies. This is for two clear reasons: they do not like to lobby, and they do not know how to write grant applications. The courts get a smaller proportion of money from state legislatures than they deserve because they do not use the same tactics as do other elements of the criminal justice system. Further, it became clear in the course of this report that the main reason federal agencies are not funding judicial endeavors is because they are not getting grant applications of good enough technical quality, or even in any great numbers.

The last three recommendations concerning funds, therefore, must be directed at the judges themselves: (a) it is the responsibility of the judiciary to initiate programs and request funds to undertake planning and education, rather than simply expecting the money to be delivered to

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5 At the National Judicial Educators' Conference conducted at the University of Mississippi April 28-May 1, 1974, B.J. George, Jr. presented a very fine paper on "Structuring and Financing a Justice System Program." Emphasizing the need for each state to follow a different course suited to its resources and population, George presents information more specific than is contained in this Section. The paper, obtainable from Ms. Barbara Franklin at the National Center for State Courts, should be read by anyone setting up a permanent judicial education system.

them; (b) since judges do not normally have either the time or the skill to write grant applications, they should hire professional assistance, and especially where LEAA is concerned, they should actively seek the advice of the state planning agencies; (c) at the state level, judicial organizations should actively lobby state legislatures for the provision of services which are already routinely provided to other elements of the criminal justice system.

Finally, there can be no better conclusion to this report than to reproduce Standard 7.5 of the National Advisory Commission on Criminal Justice Standards and Goals. The Standard and its commentary (Report on Courts, pp. 156-159) are singularly clear about the responsibility of the profession and of government to conduct and fund judicial education, and any applicant for funds to conduct judicial education in alcohol referral may regard himself as aiding the implementation of that Standard:

STANDARD 7.5
JUDICIAL EDUCATION

Every State should create and maintain a comprehensive program of continuing judicial education. Planning for this program should recognize the extensive commitment of judge time, both as faculty and as participants for such programs, that will be necessary. Funds necessary to prepare, administer, and conduct the programs, and funds to permit judges to attend appropriate national and regional educational programs, should be provided.

Each State program should have the following features:

1. All new trial judges, within 3 years of assuming judicial office, should attend both local and national orientation programs as well as one of the national judicial educational programs. The local orientation program should come immediately before or after the judge first takes office. It should include visits to all institutions and facilities to which criminal offenders may be sentenced.

2. Each State should develop its own State judicial college, which should be responsible for the orientation program for new judges and which should make available to all State judges the graduate and refresher programs of the national judicial educational organizations. Each State also should plan specialized subject matter programs as well as 2- or 3-day annual State seminars for trial and appellate judges.

3. The failure of any judge, without good cause, to pursue educational programs as prescribed in this standards should be considered by the jucicial conduct commission as grounds for discipline or removal.

4. Each State should prepare a bench manual on procedural laws, with forms, samples, rule requirements and other information that a judge should have readily available. This should include sentencing alternatives and information concerning correctional programs and institutions.

5. Each State should publish periodically--and not less than quarterly--a newsletter with information from the chief justice, the court administrator, correctional authorities, and others. This should include articles of interest to judges, references to new literature in the judicial and correctional fields, and citations of important appellate and trial court decisions.

6. Each State should adopt a program of sabbatical leave for the purpose of enabling judges to pursue studies and research relevant to their judicial duties.

SOURCES

"Alcohol and the Criminal Justice System: Challenge and Response," Helen J. Erskine, Law Enforcement Assistance Administration, 1972.

Alcohol and Health: New Knowledge, Second Special Report to the U.S. Congress, National Institute on Alcohol Abuse and Alcoholism, 1974.

Alcoholism Training Programs in the United States and Canada: a Descriptive Directory, National Center for Alcohol Education, 1974.

Court Improvement Programs: a Guidebook for Planners, National Center for State Courts, 1972.

Crime and Justice: American Style, Clarence Schrag, National Institute of Mental Health, 1971.

Crime in the United States: 1973, Federal Bureau of Investigation, 1974.

Federal Funding Assistance for the State Courts, National Center for State Courts, 1973.

A Guide to Court Systems, Institute of Judicial Administration, 1971.

Judges, Donald Dale Jackson, 1974.

Judge's Guide for Alcohol Offenders, Lyle H. Truax, National Council on Alcoholism, 1972.

Judicial Education in the United States: a Survey, Institute of Judicial Administration, 1965.

Justice in Jeopardy, Albert B. Logan, 1974.

National Survey of Court Organization, U.S. Department of Justice, 1973.

"Orientation and Training of New Judges," Paul M. Li and Glenn E. Coe; paper delivered at National Judicial Educators' Conference, 1974.

"Planning Conferences for Judges," Willard M. Bushman; paper delivered at National Judicial Educators' Conference, 1974.

Proceedings of the Seminar on Alcoholism Detection, Treatment and Rehabilitation within the Criminal Justice System, Federal Bureau of Prisons, LEAA, and NIAAA, 1973.

Professional Education of the Bar: Growth and Perspectives, Carroll C. Moreland, American Bar Foundation, 1972.

Report on Courts, National Advisory Commission on Criminal Justice Standards and Goals, 1973.

Report on the Seminar on Judicial Education, National Center for Alcohol Education, 1974.

Standards Relating to Court Organization, American Bar Association Commission on Standards of Judicial Administration, 1973.

State Judicial Training Profile, National Center for State Courts, 1974.

"Structuring and Financing a Justice System Program," B.J. George, Jr.; paper delivered at National Judicial Educators' Conference, 1974.

Task Force Reports on Drunkenness, on Crime and Its Impact, on The Courts, President's Commission on Law Enforcement and Administration of Justice, 1967.

Two Million Unnecessary Arrests, Raymond Nimmer, American Bar Foundation, 1971.

Addendum: Report of the Special Study Team on LEAA Support of The State Courts, Criminal Courts Technical Assistance Project, The American University, 1975. (LEAA Contract No. J-LEAA-043-72).